

(11)

China - 4

99486

4668

7614

(36)

Recd 20. Mar

1:20

ackd

Legation of the United States,
Peking, January 6, 1866

Sir,

I have the honor to acknowledge the receipt of your dispatches Nos. 1 and 2. In reference to the directions given in the latter, I only observe that no application for pardon, or return to the United States, has been made to this Legation by any rebel, and so far as I know, there is no American now living in China who has personally aided the rebellion.

The foreign community in Shang-^{Code of} hai are now engaged in revising the code ^{Municipal} of municipal regulations under which they ^{Regulations} have lived during the last ten years, a copy of which is in Mr. McLane's dispatch N^o 8, p. 125, 159, &c. They have not yet agreed upon all points, and will forward the amended code to Peking for examination and approval before acting upon it; but even then it will not extend over the entire foreign population there, as the French have a separate council.

Hon. William H. Seward
Secretary of State.

Two municipi-
alities
adjoining

council. At present, two separate municipi-
pal councils manage the affairs and main-
tain order among the inhabitants dwelling
in two conterminous plots of land, known
as the foreign settlement. The original
dimensions of both these "concessions" as
they were first called, have been extended as
the foreign population has increased, and
great numbers of natives also live within
their limits. The desirableness of doing a-
way with the name and existence of separ-
ate foreign concessions in China is now ge-
nerally admitted; and nowhere more than at
Shanghai, where such great interests are
involved, is general harmony of administra-
tion important.

Sir R. Alcock
proposes to
refer the ques-
tion of their
union.

I am happy to inform you that the
new British Minister, Sir Rutherford Alcock,
expresses his desire to carry out the same
coöperative policy, which has been already
agreed upon and fully explained by Mr. Bur-
lingame. (Disp. No 37, 42, 69, 79, & 83) Sir Ra-
therford Alcock's official life of twenty years
in China and Japan has given him large
experience; and he specially now desires to see
the

the Shanghai community extricated from all its difficulties. All minor points of dispute could be adjusted, if the two settlements - were merged in one, and the interests of each nation, adequately represented in one general municipality. He met a deputation of the residents on his way north, and learned their views upon the proposed changes in the code of regulations. In order to carry them into effect, and if possible to consolidate the municipal arrangements, he has suggested to his own Government the desirableness of putting itself in communication with those of France and the United States, in order to - come to an agreement on this question of local jurisdiction, and do away with the semblance of territorial authority. I told him that I cordially concurred in the suggestion, and would advise you immediately of the proposal; it appears to me to be an excellent plan, and I hope that you will find it practical. Present time
Opportune
He. The object is a very important one, and this seems to be the likeliest mode of attaining it; while the time is peculiarly favorable, owing to the presence in Paris of Mr.

Berthemy

Berthemy (now home on leave from Peking),
and of Mr. Burlingame and Sir F. Bruce in
the United States. I would therefore respect-
fully urge it upon your attention. If the
principle be settled in regard to Shang-
hai every other community like that, in
China and Japan, will no doubt regulate
itself on the same basis.

I have the honor to be,

Sir,

Your Obedient Servant,

F. Wells Williams

Re 23a Mar. My Man

2:21.

Legation of the United States,
Peking, January 15. 1866

Sir,

I have the honor to acknowledge receipt of your dispatch N^o 3, relating to the failure to notify the Department of State of the appointment of Mr. Andrew P. Harper Jr. as Interpreter to the Canton Consulate. The omission to do so rests with Mr. Perry; but it is not impossible that his dispatch containing the necessary documents miscarried on the way, and thus nothing would have been known at the Department till the accounts for salary were presented. I append a copy of the approval of Mr. Harper's appointment by Mr. Burlingame, from which it will be seen that the usual form was sent from the Legation to Canton, and I trust will, at the same time, explain the action of my approval of the accounts.

The

Hon. William H. Seward
Secretary of State

The drafts presented by Rev.
A. P. Hopper for his son, cover, I believe,
the entire period of the latter's services
as Interpreter

I have the honor to be,
Sir,

Your Obedient Servant,
S. Miller Williams

Copy.

Legation of the United States,

Peking, October 11, 1864.

Sir,

I have received your dispatch of the 2^d ult. and its inclosure, in which you inform me of the death of the Rev. J. W. Bonney, the interpreter to the Canton Consulate, to whose character and services you render a just tribute; and of the appointment of Mr. A. P. Happer Jr. to fill the vacancy. I am happy to learn that you have been able to obtain a person so well fitted for the post as you represent Mr. Happer to be, and most readily approve his appointment.

I am

Your Obedient Servant

(Signed) Anson Burlingame

Oliver H. Perry Esq.

U. S. Consul

Canton

True Copy

J. Wells Williams

Reply
30

Recd 23d Mar. Mr. Seward

N^o 22.

Legation of the United States.

Peking, January 16. 1866

Sir,

I have the honor to acknowledge the receipt of your dispatches N^{os} 4 and 5, inclosing respectively the commissions of A. Canfield Esq. as Consul for the port of Fuhchau; and Charles J. Sands as Marshal for the Consular court at Chinkiang. I do not think it will be necessary to inform the Government here of the appointment of Mr. Sands; it has not been done in former cases, as a marshal has no direct communication with the local authorities.

I have the honor also to advise you of the temporary appointment of William P. Jones, Esq., the present consul at Macao, to be acting consul at Amoy, which has been left vacant by the death of Mr. Irwin, and where an efficient officer is
much

Hon. William H. Seward
Secretary of State

much required. I respectfully but earnestly
request his confirmation by the Presi-
dent at that important post, for which
he is excellently well fitted

I have the honor to be,
Sir,

Your Obedient Servant,
J. M. Williams

P. S. Copies of the correspondence are appended.

Copy

(W. P. Jones to S. W. Williams)

U. S. Consulate at Amoy

11th November, 1865

Sir,

I have the honor to inform you that per appointment of Geo. F. Seward Esq. U. S. Consul-general in China, subject to the approval of your Excellency, I have this day entered upon duty as U. S. consul at this post.

I am, Sir, Respectfully
Your Obedient Servant,

(Signed) W. P. Jones

U. S. Consul

now acting at Amoy

To S. Wells Williams, Esq

Chargé d'Affaires for the United States
Peking.

Copy.

Copy.

(J. W. Williams to W. P. Jones)

Legation of the United States,
Peking, January 16. 1866

Sir,

I have to acknowledge your letter of November 11. 1865, informing me that you have been appointed acting United States Consul at Amoy by Geo. F. Seward Esq. U. S. Consul general, and that you had entered on the office that day.

I approve of the appointment, and have this day notified the same to the Chinese Government

I am, respectfully
Your Obedient Servant

(Signed) J. W. Williams,

William P. Jones Esq

Acting U. S. Consul

Amoy



Recd 16. Apr

by mail

St. 125
Cour

Legation of the United States
Peking, January 31, 1866.

Sir,

I have the honor to acknowledge your dispatch (pt. 6) of October 15th 1865, and a Circular from the Department of State of Sept. 19th 1865.

I have recently been informed by Mr. Seward, our Consul general at Shanghai, that he had forwarded to you a statement from Mr. E. C. Lord, U. S. Vice consul at Ningpo, setting forth his services in that post. I can sincerely support Mr. Lord's plea, and do most cordially urge the propriety of his claim for compensation. He has lived in Ningpo about twenty years, and possesses the great advantage of knowing the Chinese language; and the records of his office exhibit his ability, zeal and carefulness. Last year he conducted a very intricate

Plea for Mr. Lord, consul at Ningpo.

Hon. William H. Seward
Secretary of State

Circular to Bureau.
Leave granted April 20, 1866.

case, wherein an American merchant had been defrauded of his property by some bankers, backed up by the local authorities, with so much clearness and care, as to expose the complicity of the officials in the injustice. His knowledge of the language enabled him to cross-examine the witnesses, and learn the true facts amidst their conflicting testimony. I am sure that you appreciate the advantages of having our consular officers able to speak and read the Chinese language. It seems to me that Mr Lord's reasonable application carries its own argument better than any endorsement of mine can do.

Request leave
of absence for
Consul Perry

Referring to the circular just received, I would respectfully recommend that a furlough be granted to Mr. O. H. Perry, the consul at Canton, and sent out to him. He has remained at his post more than ten years without leaving it, and his health would be much benefited by a visit to the United States. I make this request without any application

plication from him; but as a mark of favor to a worthy officer, I hope you will grant it.

I have the honor to be,
Sir,

Your Obedient Servant,

Miller Williams

P.S. I have just been informed by M. Kiangaly, the Russian Minister, that the Chinese Government has extended to —

Tonnage Dues
paid on ves-
sels trading
to the Amoor

Russian ships trading between its open ports and the Russian possessions on the Amoor, the same privileges in respect to the payment of tonnage-dues that have been granted to vessels trading to Japan and Saigon, as mentioned in my dispatch (N^o 8) of Oct. 5. 1868. The same privilege enures to American as well as other vessels trading between China and the Amoor.

End

Begin
Publish
Fund
Pres

Dis. to Mr. B. 21 Jan '1867

See Dispatch to Mr. Burlingame 21 Jan. 1867

Rev. Mr. May. Peking, Feb 22, 1866

Hon. W. H. Seward
Dear Sir,

Secretary of State
Washington

I take the liberty of suggesting to you in an unofficial manner the suitableness of sending out a portrait of Washington to be presented to See Ki-yu, the author of the eulogy on him, who I mentioned in dispatch N^o. 16, had been appointed a member of the Foreign Office. A good engraving in a suitable frame would be enough as a mark of appreciation; and on its arrival circumstances would suggest the properest manner of presentation. If the Government here made no objection, it could be done with more formality than if it should appear likely to excite remark as a too conspicuous instance of attention from a foreign government; tho' your own directions would

THE 17th NOVEMBER 1880

My dear Sir,
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the matter of the 17th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours truly,
J. H. [Name]

have great weight. The anti-foreign party is still the strongest in this country; but as my object now is to compliment Sen personally for his writings upon our country, no hesitation need be felt as to his own willingness to receive it, either as sent by yourself, or given him by the U. S. minister to China.

The eulogy on Washington is to be found in the Chinese Repository, Vol. XX. p 187. I think a copy of this work is in the Library of Congress, & I refer to it as you may wish to see what this Chinese officer said of him.

Respectfully
Your Obt. Servant

J. Mills Williams

Recd March 2^d

to - Bristol

No. 117

ackd by 161. 7. 162.

New York Feb^y 28th 1866

Sir

Agreeably to your request, I send, on leaving, a brief memorandum of suggestions relating to China.

I hope you will see that Consul General Seward's letter, to me, now with Mr. Chew shall receive due consideration; that the College bill, so important, now in Mr. Raymond's hands shall not be forgotten; that the question of a Legation, presented in my despatch No. 25 may go to Congress, that your wise suggestion that a war vessel shall be tendered to the first representative sent by the Chinese to this Government shall have fruition and that a sufficient force may be sent to the Chinese waters to perform our part in suppressing piracy.

One flag ship of large tonnage with five swift vessels like the "Winoski" should in my judgment be placed at once on the Chinese Station - this force will be small as compared with that of France and Great Britain.

I beg you to request that officers of the highest standing may be sent to command them - men who will at all times be respectful of the rights and feelings of the Chinese and who will understand the co-operative policy which is a substitution of fair diplomatic action for brute force.

That you may see what questions are submitted to me I send [marked A] those of Mr. Heard as uncovered by Mr. Dexter, a reputable lawyer of Boston, in relation to Chinese emigration. Now the laws of China are against emigration but if we desire it they may be changed. I have not as yet matured my views on this subject and only call your attention to it as one likely to ^{require} careful consideration in the future. I have the honor to

Very
Respectfully,
William H. Seward

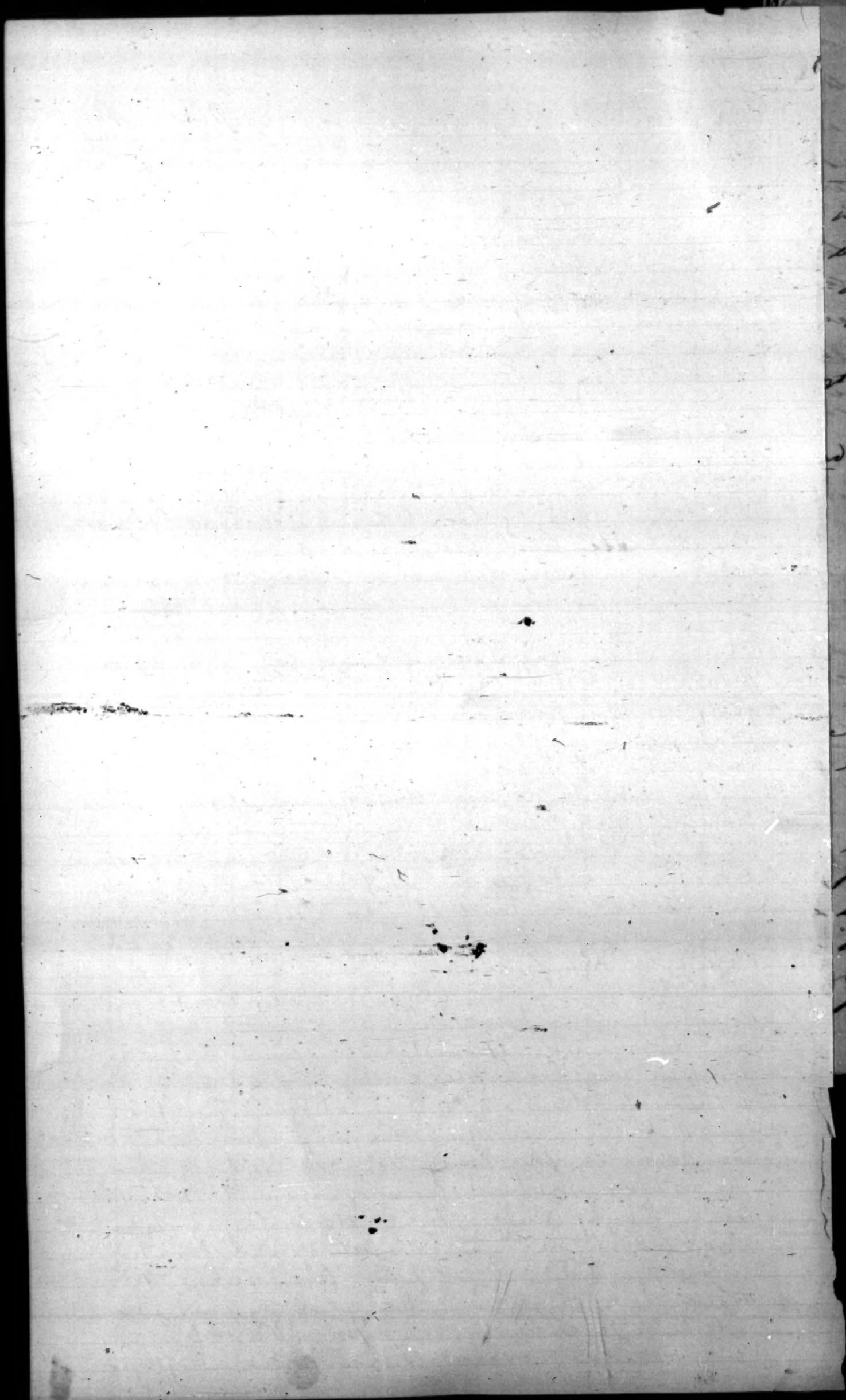
Sec^y of State

be Sir

Your obt^s Serv^t

Amos A. Burlingame

note
to
Seward
this
eff^y
28th Feb^y



Boston.

To John Heard Esq.

January 31. 1866.

Dear Sir

You inquire whether contracts with Coolies to labor for a term of years can be so made in China, by an importer of them to the United States as to be of substantial assignable value on arrival of the Coolies here. The answer to this question depends upon several considerations.

Are such contracts valid under the law of the place where they are made?

If not are they so far valid under the law of the place of performance, as to diminish or remove the importance of the preceding consideration.

How can they be enforced in case of refusal the Coolie to perform them after arrival here.

I am not informed as to the laws of China respecting the validity of contracts made by its subjects in contemplation of emigration. I have understood from you that there is reason to suppose emigration to be prohibited by those laws. The general rule of law is that a contract unlawful where made, is void at initiation, and can be enforced nowhere. There are however reasons to doubt whether that rule would be applied by our own Courts to the matter in question. It is a recognized exception to the latter clause of that

rule. That a contract, lawful where made, will not be enforced in another, if injurious to the interests or contrary to the policy of the state in which its enforcement is sought. I see no difference in principle between the application of this exception to the latter or former clause of the rule.

It is the settled policy of the United States to encourage immigration, as beneficial and important to the interests of the country; and I think that if the courts should be satisfied of the illegality of immigration by Chinese law, they would find little difficulty in deciding that the interest of their own country is of paramount importance and that the legality of such contracts should depend upon the law of the place of performance. The practice of abiding by the laws of the place of contracting in construing the contract or ascertaining its legality, is founded on the comity of civilized nations and it seems improbable that the courts of any self-called civilized country would consider themselves bound to recognize that comity towards China, in opposition to the interest and policy of their own government.

II. The validity of such contracts under the law of this country is next to be considered.

The matter of immigration is included in that class of subjects upon which the United States Congress has power to legislate under Section VIII § 4 of the Constitution, provides that such legislation

is not in conflict with other constitutional provisions or with any treaty.

Smith & Turner v. Howard U.S. Supreme Court Reports 283. Congress has passed various laws regulating the matter of immigration among which are the acts of Feb 22. 1847 and March 3. 1849 prescribing the provisions and accommodation to be furnished on "emigrant ships" and has enacted laws relating specially to coolies and to immigrants of a somewhat similar class. By the act of Feb 19. 1862 it is provided that no citizen of ship of the United States shall engage in transporting coolies from China or elsewhere to any foreign place whatever to be disposed of in any way or for any time as servants or slaves; but that this act shall not interfere with immigration of the Chinese certified to be voluntary by the United States Consul at the port of departure.

By the act of July 4. 1864 the offices of Commissioner and Superintendent of Immigration are created, with the duty of regulating contracts made by emigrants in foreign countries, of protecting them, after arrival here against imposition and of forwarding them to their places of destination. The same act provides certain means for enforcing contracts so much the efficiency of which will be considered hereafter.

It seems, therefore, that the voluntary immigration of Chinese to this country is directly legalized by Congress: but this legislation is subject to all treaties made by the United States, and to all provisions of the Constitution.

The treaty made with China June 18 1858, contains no provision bearing upon the subject under consideration, unless involved in the prohibition and clause relating to illegal and contraband trades contained

and implied in Article XIV. The terms of that article, strictly construed seem to imply only to merchant ship, and to trading at Closed Ports and there can be little doubt that any Commerce which is not prohibited under a strict construction of the treaty would be held not to come within such prohibition if found to be advantageous to the other Contracting power.

The recent Amendment of the U.S. Constitution proposed Feb. 7, 1865 and now adopted is a more formidable obstacle both to the validity and the enforcement of any such Contract as should give to the importer a valuable and assignable title to the services of the immigrant. By that amendment it is enacted that neither slavery nor involuntary servitude, except upon conviction of crime shall exist within the United States. This provision seems to be fatal to any means that could be devised, whether with or without the consent of the laborer, for making such a contract with him in a foreign country, so should place him on arrival here, in a condition of involuntary servitude or in any condition essentially different from that of a free immigrant, bound indeed by his contracts, but not bound in any manner or to any extent differing from that manner and extent in and to which other free men are bound by their contracts. And this enactment prevents the states from enacting any laws contrary to its provisions.

I am, therefore, of opinion that a contract made with Coolies in China by the terms of which they should agree to place themselves, after arrival here in any state or condition, different from that of free men, or to which they

should consent to submit to other remedies for the enforcement of such Contract than those provided by law for enforcing contracts made by and between freemen, would be void.

III It is undoubtedly competent for Coolies, or any other persons, to contract for the performance of any kind of labor, for any term of years, and at any rate of wages, and such Contracts are enforceable unless it is otherwise stipulated.

The question next to be considered is how such contracts are to be enforced, in case of refusal or failure to perform them on the part of the Coolies. - There is no remedy in such cases.

Known to the law, except an action for money damages, unless the case be such as would cause a Court of Equity to decree specific performance or unless the means are provided by the act of July 4 1864 can be availed of.

With respect to a suit for money damages, it may be observed that imprisonment for non-payment of such damages - if recovered, is now rendered practically useless in almost all the States, and actually abolished in some of them.

In actions brought upon Contracts, the breach of which is in its nature capable of being compensated in money, the inability of the defendant to pay such damages as may be recovered is not a cause for the interference of a Court of Equity, and as the Contracts in question are clearly that of description, there is no ground to hope for such interference.

Moreover if Court of Equity did so interfere, they have no means but imprisonment of enforcing their decrees. Imprisonment with out food would hardly be tolerated in this age and country: and

imprisonment with food would probably be highly agreeable to the delinquent.

Upon examination of the act of July 4. 1884 it will be seen that the means such as they are, then provided for enforcing contracts made with immigrants, apply only to such contracts as shall be in conformity to the regulations of the Commissioner of Immigration, and extend only to the giving of rights of action thereon in the United States and State Courts, and to providing a troublesome and doubtful method of obtaining a lien on land if acquired by the immigrant, but only to the extent of his wages for the term of twelve months and only for the repayment of the expenses of immigration so that in case the immigrant should in fact receive and spend his wages for twelve months after arrival, and should acquire no land, or if the importer should fail to keep advised of the place of his settlement the remedy would be practically valueless.

The Commissioner of Immigration has published one set of Regulations dated August 12. 1884 and I am advised of no others.

In those it is set forth that no contract is to be approved if made at rates of wages unusually low or improvident and it is clear that none of the Regulations are adapted for the encouragement of such contracts as could be made practically valuable to the importer.

I am therefore of the opinion that such contracts as are the subject of your enquiry cannot be so made as to be valuable to the importer for the want of means of enforcing them in his hands, or in those of his agent.

Yours truly

(signed) W. L. Decker.

Rec 17. May Mr Pratt
no 24 ind by 165 26 May

Legation of the United States,
Peking, March 10. 1866.

Sir

I have the honor to inform you that the Chinese Government has just sent an accredited agent of its own to those countries with which it has treaties, - a special commissioner instructed to tender the respects of the ^{Foreign Office of} Peking to those nations, and make such observations on foreign lands as a hurried visit will allow. Though the subject has often been proposed to Prince Kung and the members of the Foreign Office, they have acted in it now without any urging, and apparently from a conviction of the benefits which they may derive; so that, being quite voluntary on their part, the step is regarded by the diplomatic body here as an advance in the right direction.

The delegate sent on this mission is Pin Chun (addressed as Pin tchin) who has
Hon. William H. Seward -
Secretary of State.

has been acting for two or three years as a revisor of custom-house returns in connection with the foreign inspectorate, and has thus been brought into contact with foreigners, and learned as much of their countries as his opportunities allowed. Before leaving the capital, he was raised to the third rank, and formally introduced by Prince Kung — ~~to the~~ to the foreign ministers on their newyear's visit as his agent to their respective countries, sent on the part of the Foreign Office. His instructions require him to make careful notes on the customs, peoples and all objects of interest in the lands he visits.

His design is to go in course to Paris, London, the Hague, Copenhagen, Berlin and St. Petersburg, return to England to take passage for America, and get back, if possible, via California, by next winter. He is accompanied by three Manchu lads, students in English and French, and by Messrs. Bowra and Deschamps of the Customs as interpreters. Mr. Robert Hart, the

the able Inspector-general of the Customs, goes with the party as far as England, - and it is his return home on a short furlough that has probably been the immediate moving cause for the appointment of Pin tajin.

If he carries out his design of visiting the United States, I hope that you will grant him every facility to make such observations as will be of service to him and his country. As he does not go in a diplomatic character, it is not expected that he will have an audience at any of the courts he visits, but will only call on their ministers for foreign affairs to present the salutations of Prince Kung. It is probably best, in the present case, that, as the Emperor of China does not give audience to foreign ministers, this commissioner from his capital should not receive higher courtesies than he gives.

This mission from China to the West will be of great benefit to this Government, if Pin tajin brings back such an account as will encourage it in its
foreign

foreign policy. It is perhaps better in some respects that the first attempt to break through the policy of the Empire should be by sending a private agent, who can report without further committing the Government; see other lands, as it were, with its own eyes; and test in some degree the descriptions that have been given of those regions. It seems to me desirable therefore, that while the party sees whatever is deemed most worthy its inspection, no great éclat should be made during its short stay in America. Since the appointment was made, the Foreign Office has been much pleased at the approbation unexpectedly evinced by other high officials in Peking at the move, and consequently their interest in its result will be increased.

I have the honor to be
Sir,

Your Obedient Servant

Frederick Williams



Recd 19 May Mr Pratt

N^o 25

Legation of the United States,
Ackd 32 Peking, March 13. 1866.

Sir,

I have the honor to acknowledge receipt of your dispatches N^{os} 7, 8 and 10, and N^o 155 addressed to Mr. Burlingame, with the President's proclamations of Oct. 12 and Dec. 1. 1865

The ten copies of Vols. 3 and 4 of Diplomatic Correspondence for 1864, which have been transmitted for the use of this Legation, will be distributed among the consulates, unless I find that they are supplied, reserving two copies for Peking.

In this connection, permit me to state that the series of Congressional Documents, which were furnished to this Legation in former years, did not go beyond those of the 34th Congress. I would respectfully suggest that the succeeding volumes, bound in sheep like the others, be also forwarded for its use. This city lies

in
To Hon. William H. Seward
Secretary of State

Green

in such a secluded corner of the world,
that the acts of our Government cannot
be easily ascertained elsewhere than in
its Congressional Documents; and the
volumes issued subsequently to the 34th
Congress are likely to be more useful
and instructive than those on hand.

A copy of the American National
Almanac would also be useful each year;
the volumes on hand reach to 1863.

I have the honor to be,
Sir,

Your Obedient Servant
Melli Williams

June 29/66, Seoul
Dors, 35th, 36th,
37th & 38th Congress
complete, except
Vol II, Vol I & 2 of 36th
Cong. & Vols not
published of the 38th
Congress, all in

five boxes marked
Case Corn Lang
Rong H. H. H. H. H.

Leut. & Treas.

30 July 1866.

No 26. Two inclosures.

RECEIVED,

Dept. of State,

JUL 19 1866

Legation of the United
States, Peking, April 2, 1866.

Sir,

I have the honor to acknow-
ledge the receipt of your dispatches Nos
12 and 13, with copies of your Notification
of 18th Dec^r 1865; and of No 158 addressed to
Mr Burlingame.

I now forward to you a copy
of four rules established by the Chinese
Government regulating the repacking of
native produce in transit, with copy of
a letter from Prince Tung accompany-
ing them, and my reply. (Inclosures A. B.)
The rules have already gone into effect.

Four
Rules for
Repacking
Goods

Inclosures
A. B.

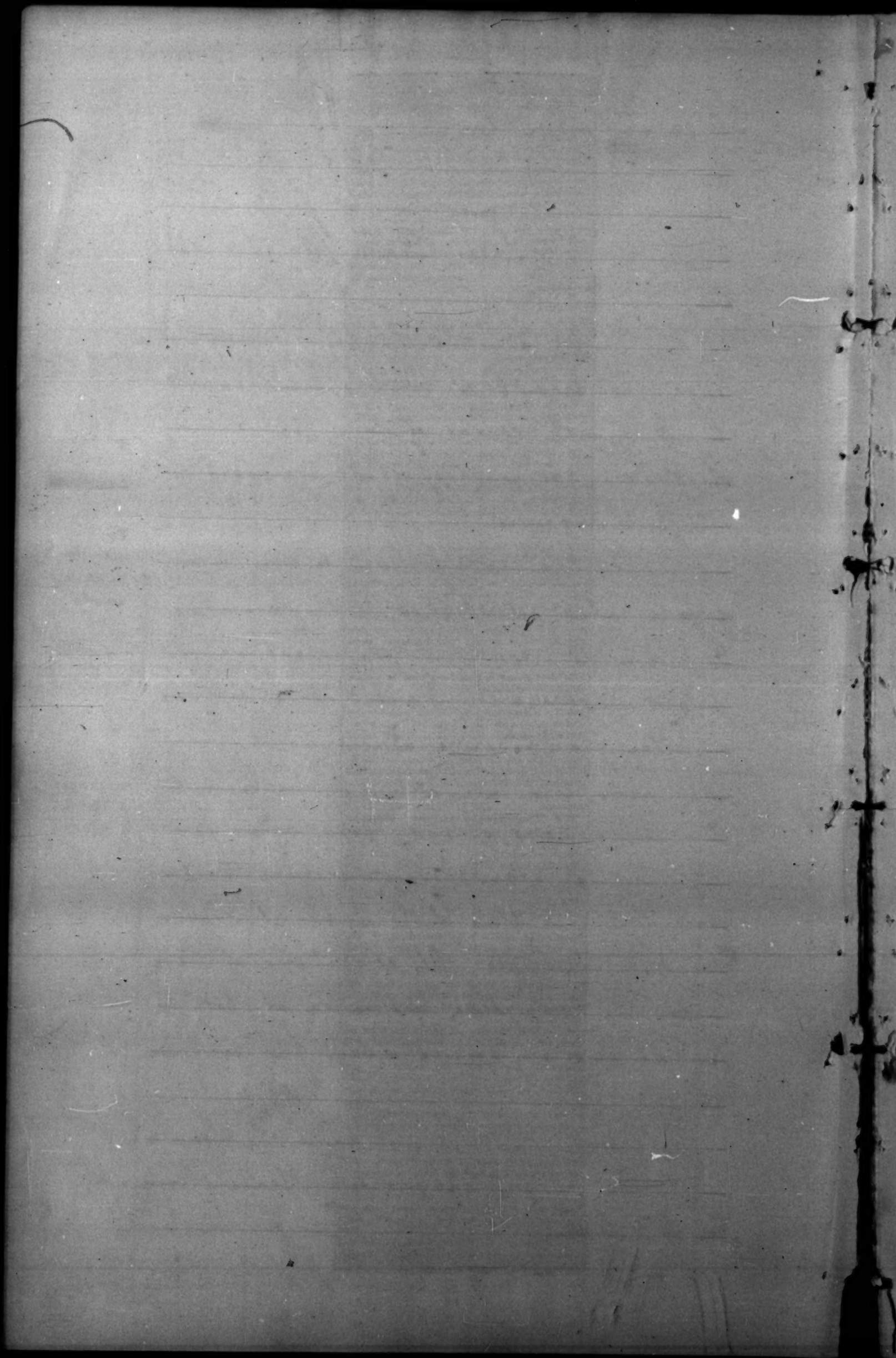
I hope that experience will
show that this plan of the Imperial Govern-
ment to facilitate the operations of trade,
under the restrictive influence of both a
transit and an export duty, has not been
abused.

I have the honor to be,

Sir, Your Obedient Servant

Hon W H Seward

Edw Williams



COPY.

Regulations under which Native Produce arriving at a Treaty Port "in transit" may be repacked.

1.—*A.*—Native Produce, in transit, if arriving in packages of a form or size unsuited to reshipment, will be permitted to be repacked on the following conditions, viz: the Goods shall be entered for re-export on arrival and the merchant, after ascertaining that re-package is requisite, shall make report of the same to the Customs, when officers will be sent to make examination and establish the identity of the Goods about to be repacked, with those originally entered, which done the Customs will issue a "Permit to Repack," and appoint officers to repair to the godown and superintend the repackaging.

B.—In the case of damaged Goods requiring to be repacked, the Customs, on application, will, in the same way depute officers to establish the fact by examination; after which a "Permit to repack" will be issued and officers appointed to superintend the repackaging.

C.—Native produce thus repacked will be allowed to be re-exported, without further payment of duty, subject to the following conditions, viz: the re-export shall take place within the regulation period of twelve months; at the time of shipment, the merchant shall return to the Customs the "Permit to Repack," and report that the goods for which "Permit to ship" is requested. If Goods which arrived on — day from — port, and for which application for Permit to repack was made on — day, having, by examination, established the fact that the Goods, whether consisting of a greater or less number of packages than when imported, agree in weight and quantity as reported in their repacked form and condition for shipment, with the Goods as originally entered at the time of import, the Customs will treat the Goods as if re-shipped in their original form and condition, that is to say, no export duty will be charged and a Drawback for the amount of Coast Trade duty deposited on arrival, or a Certificate of Re-export as the case may be, will be issued. The Re-export must however take place, or the Drawback or Certificate of Re-export be applied for and obtained from the Customs, within the period of twelve months above alluded to.

D.—Any excess in respect of weight or quantity in repacked Goods about to be shipped, as compared with the weight or quantity reported on original entry, will be held to establish the fact that the Goods about to be shipped are not the identical Goods originally entered for re-export; in all such cases, neither Drawback nor Certificate of Re-export will be issued, and full Export Duty will be charged on shipment.

2.—Unauthorized or clandestine reopening of packages, or repackaging of Native produce without previous report to, and inspection and issue of Permit to Repack by the Customs, will entail the forfeit of the Coast Trade Duty deposited, and will subject the Goods concerned to the payment of full Export Duty on shipment.

3.—Changes affecting the nature or quality of merchandise, whether effected by the substitution or introduction of other Goods discovered to have taken place in Native produce opened and repacked, whether with or without Customs permission, and reported for shipment as consisting of Goods arrived in transit and about to be re-exported, will entail on all the Goods thus reported for shipment the penalty of confiscation.

4.—*A.*—In the case of Native produce repacked by authority and re-exported in full, the Customs will require the return of the Permit to Repack, and when issuing the Re-export Certificate for Goods arriving from the Yangtze ports, will enter therein the number of packages of which the Goods were composed on original arrival and final shipment.

B.—In the case of produce reshipped, not in full but in part, the Customs will enter the quantity shipped on the "Permit to Repack" and return the same to the merchant, and will likewise certify in the Certificate of Re-export that "so many" packages of "such and such" Goods corresponding to "so many" packages of "such and such" consignment, have been re-exported for the information of the port concerned.

C.—"Permits to Repack" returned to the Customs will be cancelled monthly in the Yamen of the Superintendent.

1891

Jan 1

Feb 1

Mar 1

Apr 1

May 1

June 1

July 1

Aug 1

Sept 1

Oct 1

Nov 1

Dec 1

1892

Jan 1

Feb 1

Mar 1

Apr 1

May 1

June 1

July 1

Aug 1

Sept 1

Oct 1

Nov 1

Dec 1

Prince Kung, chief Secretary of State for Foreign Affairs, herewith communicates respecting the mode of dealing with native produce in transit to a port for shipment, which cannot, according to the present regulations be opened, or their original packages in any way be changed.

Sometime ago Mr Hart, the Inspector-general of customs, represented to me that when foreign merchants carried native produce from ports on the Yangtze River, or from Ningpo, to Shanghai, it was often absolutely necessary for them to repack or change the goods; and that if the old regulations were strictly adhered to without permitting any deviation, the merchants would, in order to save themselves from losses, most probably change and repack these goods in a clandestine way. It would therefore be much better to adopt some new and plain regulations, by which merchants would be required, when they had native produce that needed to be repacked, to first report the circumstances to the Customs, and obtain permission to open and repack the goods.

Every

Every honorable merchant would without fail accurately report the particulars of his goods, whereupon the Customs could send persons to examine them in their original condition, and then again, after altering, to ascertain whether they tallied with the report first made. In order to carry this plan into effect, each custom-house must exert a careful oversight and scrutiny, indeed; but the intention of these establishments is to collect duties, not to obstruct or prohibit trade. If a plan such as this really proves an accommodation to the merchants, then it is probable that trade will increase, and this will proportionately augment the revenue. He therefore submitted three regulations for my consideration, which if put in practice would further this end.

On receiving them, I caused copies to be transmitted to Li, the Superintendent of Commerce at Shanghai, with directions to carefully consider them. He has now made the following report:— "The three rules proposed by Inspector-general
Hart

"Hart are clear and explicit, but not quite
"complete and minute enough for their pur-
"pose. The Collector at Shanghai, Ping
"Pau-shi and M. Giguel, the Commissioner
"of Customs, have also been deliberating
"upon the same matter, and have agreed upon
"four rules. Their correspondence shows the
"similarity of their views upon the best way
"to regulate this matter; and I cannot do
"better than to recommend the rules and
"form of blank that these two officers have
"agreed upon, and for which I respectfully
"ask your approval.

On receiving this report, I accordingly required the Inspector-general to carefully re-examine the rules and report, which he did on the 16th inst., informing me that the four rules drawn up by the Collector and Commissioner at Shanghai, with the blank form appended - a Permit to Repack - seemed to be suitable, and such as could be carried into effect. He also requested that they be communicated to the foreign ministers, in order that directions be sent to the respective consuls.

I, therefore, believing that these

four rules, to be observed whenever foreign
merchants desire to repack native pro-
duce in transit, will greatly promote their
interests, and convinced that it is desirable
to make the change, have agreed to them
as now reported; and have the honor to
enclose a copy, with the form of the Per-
mit to Repack, for your Excellency's exam-
ination; and have further to request that
you will enjoin the same upon all the
United States' consuls for their guidance,
and that you will favor me with a reply.

To H. E. S. Wells Williams,
U. S. Charge d'Affaires

January 28th. 1866. (Tungchi, 4th year, 12th moon,
12th day.)

Two inclosures are

Rules by which native produce may be re-
packed

Form of Permit to Repack.

Mr. Pratt

Legation of the United
States, Peking, Jan 31, 1866.

To His Imperial Highness Prince Kung.

Sir,

I have the honor to acknowledge receipt of your Highness' dispatch of the 28th inst., with its inclosures, relating to the rules by which native produce arriving at a treaty port in transit may be repacked, and the form of a Permit to Repack.

I have carefully examined these rules and form, which seem to me to be well fitted for facilitating the trade in native produce, and consequently to increase its amount. I have accordingly, in compliance with the request in your dispatch, made known the same to the United States' consuls in China for their guidance.

I have the honor to be,

Sir, Your Obedient Servant,

Wm. Williams

RECEIVED,
Dept. of State,
JUL 28 1866

ACK'd 170

Mr. Pratt

No. 27. Four Inclosures

Examined & approved
Legation of the United States,
Peking, April 3. 1866.

Sir,

I have the honor to trans-
mit to you a dispatch from Prince Kung
(Inc. A.) covering a copy of a set of Regu-
lations (Inc. B.), which have been agreed
upon between him and the representatives
of Great Britain and France, to prescribe
the mode of hiring Chinese laborers to
go abroad. The English and French ver-
sions are both inclosed. In my reply
(Inc. C.) I have mentioned the law of Feb.
19. 1862, which I am almost sure is the
only ordinance on this subject in the stat-
ute book of any nation, as the reason for
not notifying them to our countrymen. I
may also add, that before they appeared,
Baron Rehfues, the Prussian Minister to
China, had refused to allow Prussian ves-
sels to carry coolies pending a reference

Inc. A.

Inc. B.
respecting
Coolie Trade.

Inc. C. refer-
ring the Re-
gulations
to Washington

Hon Wm. H. Seward

Secretary of State

to Berlin.

Irregularities
of Coolie
Emigration

The history of the coolie traffic, — since 1849, when the Peruvians came to Canton to get laborers to dig guano on the Chinchas Is., is a sad result of the foreign intercourse which has been forced upon China and its people. In carrying it on, the most flagitious acts have been committed by the natives upon each other, under the stimulus of rewards offered by foreigners to bring them coolies; while the character of all foreigners has been covered with infamy among the inhabitants of Canton province, especially in the rural districts. The cruel treatment suffered by many of these deceived people in the barracoons to force them to sign contracts and embark, is too well authenticated to be doubted; and especially has this evidence deepened the opprobrium which has fastened upon Macao as the place where the worst deeds were done. In 1859, the terror of kidnappers was so great among the natives in that city and neighborhood, that they durst not venture

chiefly done
at Macao

ture abroad by night; and I printed a small tract for circulation in that region, warning the people of the wiles practiced to entrap them "like pigs in a basket." Out of the cargoes which have left Macao during the last fifteen years, consisting mostly of men between the ages of 18 to 30 years, only a few scores have returned.

The records of this Legation contain so many statements going to prove these remarks, that I need not enlarge. Since 1861, less has been written to the Department, partly because our flag has not been used; and partly, because the trade itself dwindled to a few ships carrying the coolies to Peru, Trinidad, and Cuba, during the civil war in the United States. It has revived within the last fifteen months, especially to Cuba. In the year 1859, emigration offices were established by the provincial authorities in Kwangtung province to protect the lives and rights of their people emigrating as laborers; but a large majority of the coolies have gone from Macao, where the delay, expense,

Provincial
Emigration
Offices

expense and surveillance which attended their engagement in the emigration offices were greatly diminished or avoided, so that the laudable efforts of Chinese rulers were in a great measure neutralized. All those taken to English colonies, (chiefly to Trinidad) have, I believe, been engaged in the emigration offices; but the enterprise of thus supplying labor there is said not to pay, though the emigrants and their families are reported to be satisfied with their lot.

The failure to effect the exchange of the ratifications of the treaty with Portugal in 1864, has apparently led the Macao authorities to put the settlement in a state of defense; but the Chinese have no wish to provoke hostilities. However, being unable to exercise any supervision over the emigration thence, they disallow it altogether in these Regulations; and I hope their people will soon learn that it is illegal, and that ere long the supply will be altogether cut off. No coolies have been shipped

shipped from Hongkong for several years; - indeed, it is well understood in all that region, that emigrants go from Hongkong, and coolies from Macao.

I am somewhat skeptical how ^{Regulations on Trial as to their effect-iveness} far these Regulations will prevent the evils now complained of, until a year or so of trial has proven whether the energy of those who make gain by the traffic will not overcome the remedial measures to go into immediate operation. Even the most disinterested officials cannot at once remove the ignorance which is imposed upon by specious tales, or the poverty which is tempted by the bounty offered; and, after all, these two facts - poverty and ignorance - underlie the whole business, and are worked upon by crafty agents to fill - their own pockets. Yet I think it altogether probable that the largest proportion of the coolies go willingly, though stupidly ignorant where they are going, and what they are to do.

My expectation is, however, that, tho'

though other flags can be obtained to carry on the trade from Macao, the Portuguese authorities will not persistently set themselves against these reasonable rules to protect every emigrant — leaving his native land as a hired — laborer.

Inc. D.
British
Minister's
views.
Chinese
Consuls.

I am indebted to the British Minister for a copy of his dispatch accompanying the Regulations (Inc. D.), — which he furnished me at my request. Its perusal will repay you, especially the remarks on the appointment of consuls from China to countries with which she has treaties. Such a functionary would do much to reconcile the laborer to his new condition, by sending letters and funds home, interpreting for and — counseling him in cases of accusation for crime, aiding him to return to his friends, &c. It seems to me to be quite plain that the Chinese Government has a reciprocal right to appoint consuls, but I respectfully request your instructions upon this point, as it is not unlikely

unlikely to come up after the return of Pin tajin. Almost all the treaties stipulate for the reception of ministers from the Emperor of China, but none of them specially mention consuls; yet the lesser privilege is doubtless involved in the greater.

I regard these Regulations as an index of progress. They show some solicitude for the welfare of subjects who have gone abroad; and form the first recognition from the Emperor that his people emigrating to other lands are not expatriated or forgotten. If carried out honestly, the obloquy - heretofore attendant upon the trade, and the bad reputation of the foreign name, will both soon cease.

If Congress sees proper to repeal the law of 1862, laborers could be taken to California, where railroads and other public works will demand thousands of hands to complete them; though, if high wages and good treatment were offered, as many free emigrants might

Emigrants
to California

go as were needed.

I have the honor to be,
Sir,

Your Obedient Servant,
J. M. Williams

P.S. - Information has just reached this place of the destruction of an Italian vessel, the "Napoleon Canavaro," bound for Havana from Macao. It is reported by a part of the crew, who were picked up not far from Hongkong, that symptoms of insubordination appearing among the coolies, the captain drove them below, and battened down the hatches; flames soon appeared, which the crew vainly endeavored to extinguish, and they soon left in their boats, without even opening the hatches.

In January, the British ship "Ride of the Sanges," bound for Guiana with between 300 and 400 emigrants, was captured by them; they threw the captain & purser overboard, and compelled the mate to land them on Hainan I., after which he brought the vessel back to port.

In February, the French ship "Hongkong," bound for Havana, with over 500 coolies, was captured by about a score of them, who had armed themselves at Whampoa; these aided by the rest, possessed themselves of what little treasure was on board, and nearly all escaped to the land, where they were in turn plundered by the fishermen.

These things show the necessity of the Regulations which have now been adopted, to prevent, if possible, wrongs and violence by both those who go as laborers and those who hire them.

Prince Kung, chief Secretary of State for Foreign Affairs, herewith makes a communication.

By one of the articles in the Conventions made with the Plenipotentiaries of Great Britain and France at Peking in 1860, it was agreed that Chinese subjects could be hired as laborers to go out of the country on service. In order to carry out this provision, the Foreign Office has now been in consultation with their Excellencies Sir Rutherford Alcock, the British Minister, and M. de Bellonet, the French Chargé d'Affaires, upon the details, and have now agreed upon a set of Regulations, arranged under twenty-two heads, to which both parties have signed their names and affixed their seals in order to certify them and assure their observance.

Orders have been sent by these ministers to all the British and French merchants to conform to these Regulations; and I have also forwarded instructions

structions to the Superintendants of Commerce at Tientsin and Shanghai, and to all the Governor-generals and Governors of the maritime provinces, to see that every one of their subordinate officials likewise follows them in every particular.

The treaty with the United States contains no special stipulation relating to the hiring of laborers to go abroad on service; but in order that all foreign merchants may avail themselves of this privilege, and also that the rights of those natives who are hired may be protected, it is necessary that a uniform system of conducting the business be followed. A copy of the Regulations is enclosed for your Excellency's information; and I shall be obliged if you will enjoin on all American merchants, who intend to engage laborers, scrupulously to follow them. They have been drawn up in consequence of the many villainous natives who prowl about to decoy and beguile their unwary countrymen to consent to go abroad, and then turn around and sell them.

them, thus bringing no end of suffering on our people; so that there is special need for establishing some rules to protect the rights of native laborers. I am confident that you will give them your cordial support, for every humane person or honorable man must earnestly desire to see them carried into effect.

It appears that many crafty Chinese live in Macao, who entrap and decoy people, or even kidnap them to carry them abroad to service, so that the dwellers along the seacoasts have been greatly afflicted by their malpractices. No Chinese officers having yet been appointed to live in that city, there is no properly qualified person there to oversee and regulate this matter; and therefore it is for the present not permitted to hire laborers and ship them from Macao. I request particularly, that when these Regulations are made known to American merchants, you will specially point out that they are neither to engage laborers at that place, nor permit their ships to take them on board

board at that port. If this be carried out, I confidently expect that this business can be satisfactorily arranged; and it is a principal reason for making this communication.

To H. E. S. Wells Williams

Chargé d'Affaires of U. S. to China

March 15. 1866. (Tungchi, 5th year, 1st moon, 29th day.)

Dispatch No. 27
Inclosure B

CONVENTION
To regulate the
Engagement of China Emigrants
by
British and French Subjects.

The Government of His Majesty the Emperor of China having requested that, in accordance with the terms of conventions signed at Peking the 24th and 25th of October 1860, a set of Regulations should be framed to secure to Chinese Emigrants those safeguards which are required for their moral and physical well-being; the following, after due discussion and deliberation at the Yamen of Foreign Affairs, have been adopted by the undersigned, and will henceforth be in force.

REGULATIONS.

ARTICLE I.

Any person desiring to open an Emigration Agency in any Port in China, must make an application in writing to that effect to his Consul, enclosing at the same time copy of the Rules which he proposes to observe in his Establishment, copy of the Contract which he offers to Emigrants, together with the necessary proofs that he has complied with all the conditions imposed by the laws of his country regulating Emigration.

ARTICLE II.

The Consul after having ascertained himself of the solvency and respectability of the Applicant, and having examined and approved the copies of the Rules and Contracts, shall communicate them to the Chinese Authorities and shall request them to issue the Licence necessary for opening an Emigration Agency.

The Licence, together with the Rules and Contracts as approved by the Chinese Authorities will be registered at the Consulate.

ARTICLE III.

No Licence to open an Emigration Agency shall be withdrawn except upon sufficient grounds, and then only with the sanction of the Consul. In such a case the Emigration Agent shall have no claim to compensation for the closing of his establishment and the suspension of his operations.

ARTICLE IV.

No modification of the Rules and Contracts when once approved by the Consul and by the Chinese Authorities shall be made without their express consent; and in order that no Emigrant may be ignorant of them the said Rules and contracts shall in all cases be posted up on the door of the Emigration Agency and in the quarters of the Emigrants.

The Emigration Agents shall be allowed to circulate and make generally known in the towns and villages of the Province copies of these Rules and Contracts which must in all cases bear the Seals of the Chinese Authorities and of the Consulate.

ARTICLE V.

Every Emigration Agent shall be held responsible under the laws of his country for the due execution of the clauses of the contract signed by him until its expiration.

ARTICLE VI.

Every Chinese employed by the Emigration Agent to find him Emigrants, shall be provided with a special License from the Chinese Authorities, and he alone will be responsible for any act done by him in the above capacity that may be, whether intentionally or unintentionally in contravention of the Laws of the Empire.

ARTICLE VII.

Every Chinese wishing to emigrate under an engagement shall cause his name to be entered in a Register kept for that purpose, in the presence of the Emigration Agent and of an Inspector deputed by the Chinese Government. He will then be at liberty to return to his home or to remain in the Emigration Depot to wait the departure of the ship which is to carry him to his destination.

ARTICLE VIII.

The contracts shall specify—

1st.—The place of destination and the length of the engagement.

2nd.—The right of the Emigrant to be conveyed back to his own country, and the sum which shall be paid at the expiration of his contract to cover the expense of his voyage home and that of his family should they accompany him.

3rd.—The number of working days in the year and the length of each day's work.

4th.—The wages, rations, clothing and other advantages promised to the Emigrant.

5th.—Gratuitous medical attendance.

6th.—The sum which the Emigrant agrees to set aside out of his monthly wages, for the benefit of persons to be named by him, should he desire to appropriate any sum to such a purpose.

7th.—Copy of the 8th, 9th, 10th, 14th and 22nd Articles of these Regulations.

Any clause which shall purport to render invalid any of the provisions of this Regulation is null and void.

ARTICLE IX.

The term of each Emigrant's engagement shall not exceed five years, at the expiration of which the sum stipulated in the contract shall be paid for him to cover the expense of his return to his country. In the event of his obtaining permission to remain without an engagement in the colony, this sum will be placed in his own hands.

It shall always be at the option of the Emigrant to enter into a second engagement of five years, for which he shall be paid a premium equivalent to one-half the cost of his return to China. In such a case the sum destined to cover the expense of his return home shall not be paid until the expiration of his second engagement.

Every Emigrant who may become invalided and incapable of working shall be allowed without waiting for the expiration of his contract, to claim before the legal Courts of the colony or territory where he may be, payment on his behalf of the sum destined to cover the expense of his return to China.

ARTICLE X.

The Emigrant shall in no case be forced to work more than six days out of seven, nor more than nine hours and a half in the day.

The Emigrant shall be free to arrange with his employer the conditions of work by the piece or job, and of all extra labour undertaken during days and hours set apart for rest.

The obligation on holidays to attend to cattle or to do such service as the necessities of daily life may demand, shall not be considered as labour.

ARTICLE XI.

No engagement to emigrate entered into by any Chinese subject under twenty years of age, will be valid unless he produces a Certificate from the proper Chinese Authorities stating that he has been authorised to contract such engagement by his parents, or, in default of his parents, by the Magistrate of the Port at which he is to embark.

ARTICLE XII.

After four days, but not less, from the date of the entry of the Emigrant's name on the Register of this Agency, the Officer deputed by the Chinese Government being present, the Contract shall be read to the Emigrant, and he shall be asked whether he agrees to it, and having answered in the affirmative he shall then and there append his signature thereto.

ARTICLE XIII.

The Contract once signed, the Emigrant is at the disposal of the Agent, and must not absent himself from the Depot without the permission of the Agent.

Before embarking, every Emigrant shall be called before the Officer deputed by the Chinese Authorities to ratify his Contract, which shall be registered at the Consulate.

Twenty-four hours before the sailing of the ship, the Emigrants shall be mustered on board before the Consul and the Inspector of Customs, or their deputies, and the list shall be finally closed for signature and registration by the Consul and the Inspector.

Any individual refusing to proceed after this muster shall be bound to repay the expenses of his maintenance in the Emigration Depot at the rate of One hundred cash (one tenth of a Tael) per diem. In default of payment he shall be handed over to the Chinese Magistrate to be punished according to the laws.

ARTICLE XIV.

Any sum handed over to the Emigrant before his departure shall only be regarded in the light of a Premium upon his engagement. All advances upon his future wages are formally forbidden except in the case of their being appropriated to the use of his family, and the Consul will take especial pains to provide against their being employed in any other way. Such advances shall not exceed six months' wages and shall be covered by a stoppage of one dollar per month until the entire debt shall have been paid.

It is absolutely forbidden, whether on the voyage or during the Emigrant's stay in the Colony or Territory in which he may be employed, to make any advances to him in money or kind payable after the expiration of his engagement. Any agreement of this nature shall be null and void, and shall give the creditor no power to oppose the return of the Emigrant to his Country at the time fixed by the Contract.

ARTICLE XV.

The Emigrant during his stay in the Depot shall be bound to conform to the Regulations adopted for its internal economy by the Consul and the Chinese Authorities.

ARTICLE XVI.

Any Emigrant who may be riotous or guilty of any misconduct shall be immediately locked up until the arrival of the Officers deputed by the Chinese Authorities, to whom he will be handed over to be punished in conformity with the laws of the Empire; the Officers of the Agency being in no case authorised to take the law into their own hands and inflict any punishment.

ARTICLE XVII.

The Deputies of the Consul and of the Chinese Authorities shall at all times be empowered to demand admittance to the Agency, and to summon the Emigrants before them for purposes of interrogation.

They will be present at the signing of the Contracts and at the embarkation of the Coolies.

They will see to the maintenance of order, to the healthiness and cleanliness of the rooms destined to receive the Emigrants, to the separation of families and women, and to the arrangements on board the Transport ships.

They may at any time demand that Experts or Medical Officers shall be called in, in order to verify any defects which they may have remarked; they may suspend the embarkation of Emigrants in ships the arrangements on board of which may seem to them defective, and they may reject Coolies afflicted with contagious diseases.

ARTICLE XVIII.

The Emigration Agent shall be bound to pay into the Customs' Bank the sum of Three Dollars for every Male Adult entered on the list of Coolies embarked, to meet the expenses of inspection.

ARTICLE XIX.

Any Emigrant claimed by the Chinese Government as an offender against the Law, shall be handed over to the Authorities without opposition, through the Consul; and in such case the whole sum expended for the maintenance of the Emigrant in the Agency or on board ship, shall be repaid immediately to the Emigration Agent, at the rate of one hundred cash (one tenth of a Tael) per diem.

The sum of the Premium, Advances, Clothes, &c., entered in the Agency Register against such Emigrant shall in like manner be repaid by the Chinese Government.

ARTICLE XX.

The Emigration Agent shall not be at liberty to embark Emigrants on board any ship which shall not have satisfied the Consul that, in respect of its internal economy, stores and sanitary arrangements, all the conditions required by the Laws of the country to which the said ship may belong are fulfilled.

Should the Chinese Authorities upon the reports of the Officers deputed by them, conceive it their duty to protest against the embarkation of a body of Emigrants in a ship approved by the Consuls, it shall be in the power of the Customs to suspend the granting of the Ship's Port Clearance until further information shall have been obtained, and until the final decision of the Legation of the country to which the suspected ship belongs shall have been pronounced.

ARTICLE XXI.

On arrival of the ship at her destination the duplicate of the list of Emigrants shall be presented by the Captain to be vided by his Consul and by the Local Authorities.

In the margin and opposite to the name of each Emigrant, note shall be made of deaths, births and diseases during the voyage, and of the destination assigned to each Emigrant in the colony or territory in which he is to be employed.

This document shall be sent by the Emigration Agent to the Consul at the port at which the Emigrants embarked, and by him delivered to the Chinese Authorities.

ARTICLE XXII.

In the distribution of the Emigrants as labourers, the husband shall not be separated from his wife, nor shall parents be separated from their children being under fifteen years of age.

No labourer shall be bound to change his employer without his consent, except in the event of the factory or plantation upon which he is employed changing hands.

His Imperial Highness the Prince of Kuang has further declared in the name of the Government of His Majesty the Emperor of China—

1st.—That the Chinese Government throws no obstacle in the way of free Emigration, that is to say to the departure of Chinese subjects embarking of their own free will and at their own expense for foreign countries, but that all attempts to bring Chinese under an engagement to emigrate, otherwise than as the present Regulations provide, are formally forbidden and will be prosecuted with the extreme rigor of the Law.

2nd.—That a Law of the Empire punishes by death those who, by fraud or by force, may kidnap Chinese subjects for the purpose of sending them abroad against their will.

3rd.—That whereas the operations of Emigration Agents with a view to the supply of Coolie labor abroad, are authorised at all the open ports, when conducted in conformity with these Regulations and under the joint supervision of the Consuls and the Chinese Authorities, it follows that where this joint supervision cannot be exercised, such operations are formally forbidden.

These declarations are here placed on record, in order that they may have the same force and validity as the Regulations contained in the twenty-two Articles foregoing.

Done and signed at Peking in triplicate, the 5th of March 1866.

(Signed) RUTHERFORD ALCOCK.

Le Gouvernement de S. M. l'Empereur de la Chine, ayant demandé qu'aux termes des conventions additionnelles conclues à Pékin les 24 et 29 Octobre 1860, il fût établi un ensemble de règlements pour assurer aux sujets Chinois, qui émigrent au delà des mers, les garanties de sûreté et de moralité qui doivent présider à leurs engagements, les soussignés, réunis en conférence au Tsongly-yamen, ont adopté les dispositions suivantes pour être appliquées dorénavant, dans tous les Ports de la Chine, au recrutement des Emigrants.

REGLEMENTS.

ART. I.

Tout individu qui voudrait ouvrir une maison d'émigration dans l'un des Ports de la Chine, devra en adresser la demande au Consul de sa nation, en y joignant la copie des règlements qu'il a l'intention de faire observer dans son établissement, celle du contrat qu'il propose aux Emigrants, et les preuves qu'il a satisfait aux obligations que lui imposent les lois de son pays en matière d'émigration.

ART. II.

Le Consul, après avoir constaté la solvabilité et l'honorabilité du pétitionnaire, corrigé et approuvé les copies des règlements et contrats, les fera parvenir aux Autorités Chinoises et poursuivra auprès d'elles la délivrance du permis nécessaire pour ouvrir une maison d'émigration.

Ce permis ainsi que les règlements et contrats approuvés par l'Autorité Chinoise seront enregistrés au Consulat.

ART. III.

L'autorisation d'ouvrir une maison d'émigration ne pourra être retirée que pour motifs graves, et seulement avec l'approbation du Consul. Dans ce cas, l'Agent d'émigration ne pourra être admis à réclamer une indemnité pour la fermeture de son établissement et la suspension de ses opérations de recrutement.

ART. IV.

Les règlements et contrats, une fois revêtus de l'approbation du Consul et de l'Autorité Chinoise, ne pourront plus être modifiés sans leur consentement exprès, et devront être toujours affichés aux portes de la maison d'émigration et dans les logements des Emigrants, afin que nul n'en ignore.

Les Agents d'émigration pourront faire circuler dans les villes et villages de la Province des copies de ces contrats et règlements. Ces copies devront être revêtues du sceau de l'Autorité Chinoise et de celui du Consulat.

ART. V.

Tout Agent d'émigration demeure responsable personnellement de l'exécution des clauses du contrat qu'il a signé, jusqu'à l'expiration de ce contrat, suivant les prescriptions des lois de son pays.

ART. VI.

Tout Chinois employé par l'Agent d'émigration comme courtier ou recruteur devra être muni d'un permis spécial de l'Autorité Chinoise et sera seul responsable devant elle des contraventions aux lois de l'Empire, qui auraient pu être commises volontairement ou involontairement dans le recrutement des travailleurs présentés par lui.

ART. VII.

Tout Chinois qui voudra contracter un engagement fera inscrire son nom sur un registre, à ce destiné, en présence de l'Agent d'émigration et de l'Officier-Inspecteur, délégué par le Gouvernement Chinois. Il aura ensuite le choix de retourner dans sa famille ou d'attendre dans la maison d'émigration le départ du navire qui doit le conduire à sa destination.

ART. VIII.

Les contrats devront mentionner :

1o. La durée de l'engagement et le lieu de destination de l'émigrant.

2o. Le droit de rapatriement et la somme qui sera payée à l'expiration du contrat pour assurer le rapatriement du coolie et celui de sa famille, si elle doit l'accompagner.

3o. Le nombre des jours et heures de travail.

4o. Les gages, rations, habillements et tous autres avantages promis à l'émigrant.

5o. L'assistance médicale gratuite pour l'émigrant.

6o. La délégation consentie par l'émigrant sur ses gages mensuels, au profit des personnes par lui désignées, s'il en manifeste le désir.

7o. Copie textuelle des articles 8, 9, 10, 14 et 21 du présent règlement.

Toute clause portant renonciation à l'une des dispositions du présent règlement, est nulle de plein droit.

ART. IX.

La durée de l'engagement ne pourra être de plus de cinq années, à l'expiration desquelles l'émigrant aura droit à la somme stipulée, pour assurer son rapatriement, laquelle somme deviendra sa propriété, dans le cas où il obtiendrait la permission de rester sans engagement dans la Colonie.

L'émigrant sera toujours libre de contracter un second engagement de cinq années, pour lequel il lui sera payé une prime équivalente à la moitié de son passage en Chine. Dans ce cas, ce serait seulement à l'expiration de ce second engagement que lui serait remise la somme destinée à assurer son retour dans sa patrie.

Tout émigrant devenu invalide et hors d'état de travailler pourra réclamer, devant les tribunaux de la Colonie, la somme destinée à payer son retour, sans attendre l'expiration de son contrat.

ART. X.

En aucun cas l'émigrant ne pourra être forcé de travailler plus de 6 jours sur 7, ni plus de 9 heures et demie par jour.

Les conditions de travail à la tâche et des travaux extraordinaires pendant les jours et les heures de repos, seront librement débattues entre le maître et l'émigrant.

N'est pas considéré comme travail, l'obligation de pourvoir les jours fériés, aux soins que nécessitent les animaux et les besoins de la vie habituelle.

ART. XI.

Les Chinois âgés de moins de 20 ans, ne pourront s'engager valablement, qu'en produisant un certificat de l'Autorité Chinoise constatant qu'ils y sont autorisés par leurs parents ou, à leur défaut, par le Magistrat du port d'embarquement.

ART. XII.

Le contrat sera signé en présence du délégué de l'Autorité Chinoise, après lecture, interrogatoire et réponse affirmative de l'émigrant, quatre jours au moins, à partir de l'inscription sur les registres de l'établissement.

ART. XIII.

Aussitôt après la signature du contrat, l'émigrant sera mis à la disposition de l'Agent et ne pourra plus s'absenter sans sa permission.

Avant d'être embarqué, chaque émigrant sera appelé devant le Délégué de l'Autorité Chinoise, pour affirmer son contrat qui sera enregistré au Consulat.

Vingt quatre heures avant le départ du navire, un nouvel appel sera fait en présence du Consul et du Surintendant des Douanes ou de leurs délégués, et la liste sera close définitivement pour être signée et enregistrée par le Consul et le Surintendant.

Tout individu qui, après cet appel, refuserait de partir, serait tenu de rembourser les frais de son entretien, dans la maison d'émigration, sur le pied de 100 sapèques (1-10 de Taël) par jour, ou livré aux Magistrats Chinois pour être puni conformément aux lois.

ART. XIV.

Toute somme remise à l'émigrant, avant son départ, ne pourra être considérée que comme une prime à l'engagement; les avances sur ses gages futurs sont formellement interdites, excepté dans le cas où elles seraient destinées à sa famille, et le Consul veillera, d'une manière toute spéciale, à ce qu'elles ne soient pas détournées de leur destination. Ces avances ne pourront dépasser 6 mois de gages, et seront converties par la retenue d'une piastre par mois, jusqu'à l'entière libération de la dette.

Il est absolument interdit de faire, soit pendant le voyage, soit pendant le séjour à la Colonie, des avances en nature ou en argent, payables en prolongation de l'engagement. Toute convention de ce genre est nulle, et le créancier ne pourra s'opposer au rapatriement de l'émigrant au terme fixé par le contrat.

ART. XV.

L'émigrant logé dans l'établissement, sera tenu de se conformer aux règlements de police intérieure adoptés par le Consul et l'Autorité Chinoise.

ART. XVI.

Les Emigrants qui causeraient du désordre ou se rendraient coupables de quelque délit, seront immédiatement renfermés par mesure de police, jusqu'à la visite des délé-

gués de l'autorité Chinoise, entre les mains desquels ils seront remis pour être punis conformément aux lois de l'Empire, les employés de l'Agence ne pouvant, en aucun cas, leur infliger eux-mêmes aucune punition.

ART. XVII.

Les Délégués du Consul et de l'Autorité Chinoise pourront, en tout temps, se faire ouvrir les portes de la maison d'émigration et faire comparaître devant eux les Emigrants pour les interroger.

Ils seront présents à la signature des contrats et à l'embarquement des coolies.

Ils veilleront au maintien du bon ordre, de la salubrité et de la propreté des salles destinées à recevoir les émigrants, à la séparation des familles et des femmes, à l'aménagement des navires destinés aux transports.

Ils pourront toujours requérir la visite des experts ou des officiers de santé pour constater les défec-tuosités qu'ils remarqueraient, suspendre l'embarquement des émigrants à bord des navires qui leur sembleraient mal aménagés, et expulser les coolies atteints de maladies contagieuses.

L'Agent d'émigration sera tenu de verser à la banque de la Douane la somme de 3 Dollars pour chaque adulte male porté sur la liste d'embarquement.

ART. XIX.

Tout émigrant réclamé pour l'Autorité Chinoise comme échappé des prisons ou sous le coup d'une condamnation ou d'une prévention, doit lui être remis, sans opposition, par l'intermédiaire du Consul, et tous les frais de son entretien dans la maison d'émigration ou à bord, seront par contre, remboursés immédiatement à l'Agent d'émigration, sur le pied de 100 Sapèques (1-10 de Taël) par jour.

Les primes, avances, vêtements, &c., portés sur les registres de l'établissement au compte de cet individu, seront également remboursés par le Gouvernement Chinois.

ART. XX.

L'Agent d'émigration ne pourra embarquer un convoi d'émigrants que sur les bâtiments qui justifieront, par devant le Consul, des conditions d'éménagement, d'approvisionnement et de salubrité exigées par les lois de leur pays.

Dans le cas, où sur le rapport de ses délégués, l'Autorité Chinoise croirait devoir protester contre l'embarquement d'un convoi, à bord d'un navire accepté par le Consul, la Douane pourra surseoir à la délivrance du manifeste de sortie, jusqu'à plus ample informé et décision suprême de la Légation du pays auquel appartiendrait le bâtiment suspecté.

ART. XXI.

A l'arrivée du navire au Port de destination, le Duplicata de la liste d'embarquement sera présenté par le Capitaine aux vis-à-vis du Consul de sa nation et des Autorités locales.

Mention sera faite en marge et vis-à-vis du nom de chacun des émigrants des décès, naissances, maladies survenues pendant la traversée, et de la destination donnée à l'émigrant dans la Colonie.

Cette pièce sera remise par l'Agent d'émigration au Consul du Port d'embarquement et celui-ci la fera parvenir à l'Autorité Chinoise.

ART. XXII.

Dans la répartition des travailleurs, un mari ne peut être séparé de sa femme, aucun père ni aucune mère de ses enfants, âgés moins de 15 ans.

Aucun travailleur, sans son consentement, ne pourra être tenu de changer de maître, excepté dans le cas, où l'atelier rural ou urbain dans lequel il travaille, viendrait à changer de propriétaire.

S. A. I. le Prince de Kong a déclaré en outre, au nom du Gouvernement de S. M. l'Empereur de la Chine.

1o. Que le Gouvernement Chinois n'apportait aucun obstacle à l'émigration libre, c'est-à-dire, au départ des sujets Chinois qui s'embarquent volontairement et à leurs frais pour les pays étrangers, mais que tout embauchage d'engagés, fait en dehors des présent règlements, était formellement défendu, et serait poursuivi avec toute la rigueur des lois;

2o. Qu'une loi de l'Empire punit de mort ceux qui, par ruse ou par violence, enlèveraient des sujets Chinois pour les envoyer à l'étranger contre leur volonté;

3o. Que les opérations du Recrutement des travailleurs pour les pays étrangers, étant autorisées dans tous les ports ouverts, conformément aux règlements ci-dessus, et

sous la surveillance collective des Consuls et de l'Autorité Chinoise, sont, par cela même formellement interdites, partout où cette surveillance ne peut être exercée.

Des quelles déclarations il a été pris acte, afin qu'elles aient la même force et valeur que les 22 Articles des Règlements consignés ci-dessus.

Fait à Peking, en triple expédition, le 5 Mars 1866, 19 jours de la 1re. Lune de la 34me. Année de Tong-tche.

(Signe) HENRY DE BELLONNET,
" PRINCE DE KONG,
" RUTHERFORD ALCOCK.

NOTIFICATION.

No. 8 of 1866.

The Undersigned, Her Britannic Majesty's Consul for Shanghai, has been instructed by Sir R. Alcock, K.C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary in China, &c., &c., &c., to publish the annexed Convention in English and Chinese, signed at Peking on the 5th of March instant by the said Minister Plenipotentiary and Monsieur de Bellonet, H.I. M.'s Chargé d'Affaires, on the one hand, and the Prince of Kung on the other, which embodies the rules and regulations under which contract emigration by the subjects of the contracting Powers is hereafter to be carried on.

CHARLES A. WINCHESTER.

H. B. M. Consulate,
Shanghai, 22 March 1866.

CONVENTION

To regulate the
Engagement of China Emigrants
by
British and French Subjects.

The Government of His Majesty the Emperor of China having requested that, in accordance with the terms of conventions signed at Peking the 24th and 25th of October 1860, a set of Regulations should be framed to secure to Chinese Emigrants those safeguards which are required for their moral and physical well-being; the following, after due discussion and deliberation at the Yamen of Foreign Affairs, have been adopted by the undersigned, and will henceforth be in force.

REGULATIONS.

ARTICLE I.

Any person desiring to open an Emigration Agency in any Port in China, must make an application in writing to that effect to his Consul, enclosing at the same time copy of the Rules which he proposes to observe in his Establishment; copy of the Contract which he offers to Emigrants, together with the necessary proofs that he has complied with all the conditions imposed by the laws of his country regulating Emigration.

ARTICLE II.

The Consul after having assured himself of the solvency and respectability of the Applicant, and having examined and approved the copies

of the Rules and Contracts, shall communicate them to the Chinese Authorities and shall request them to issue the Licence necessary for opening an Emigration Agency.

The License, together with the Rules and Contracts as approved by the Chinese Authorities will be registered at the Consulate.

ARTICLE III.

No License to open an Emigration Agency shall be withdrawn except upon sufficient grounds, and then only with the sanction of the Consul. In such a case the Emigration Agent shall have no claim to compensation for the closing of his establishment and the suspension of his operations.

ARTICLE IV.

No modification of the Rules and Contracts when once approved by the Consul and by the Chinese Authorities shall be made without their express consent; and in order that no Emigrant may be ignorant of them the said Rules and contracts shall in all cases be posted up on the door of the Emigration Agency and in the quarters of the Emigrants.

The Emigration Agents shall be allowed to circulate and make generally known in the towns and villages of the Province copies of these Rules and Contracts which must in all cases bear the Seals of the Chinese Authorities and of the Consulate.

ARTICLE V.

Every Emigration Agent shall be held responsible under the laws of his country for the due execution of the clauses of the contract signed by him until its expiration.

ARTICLE VI.

Every Chinese employed by the Emigration Agent to send him Emigrants, shall be provided with a special License from the Chinese Authorities, and he alone will be responsible for any act done by him in the above capacity that may be, whether intentionally or unintentionally in contravention of the Laws of the Empire.

ARTICLE VII.

Every Chinese wishing to emigrate under an engagement, shall cause his name to be entered in a Register kept for that purpose, in the presence of the Emigration Agent and of an Inspector deputed by the Chinese Government. He will then be at liberty to return to his home or to remain in the Emigration Depot to wait the departure of the ship which is to carry him to his destination.

ARTICLE VIII.

The contracts shall specify:—

1st.—The place of destination and the length of the engagement.

2nd.—The right of the Emigrant to be conveyed back to his own country, and the sum which shall be paid at the expiration of his contract to cover the expense of his voyage home and that of his family should they accompany him.

3rd.—The number of working days in the year and the length of each day's work.

4th.—The wages, rations, clothing and other advantages promised to the Emigrant.

5th.—Gratuities medical attendance.

6th.—The sum which the Emigrant agrees to set aside out of his monthly wages, for the benefit of persons to be named by him, should he desire to appropriate any sum to such a purpose.

7th.—Copy of the 8th, 9th, 10th, 14th and 22nd Articles of these Regulations.

Any clause which shall purport to render invalid any of the provisions of this Regulation is null and void.

ARTICLE IX.

The term of each Emigrant's engagement shall not exceed five years, at the expiration of which the sum stipulated in the contract shall be paid for him to cover the expense of his return to his country. In the event of his obtaining permission to remain without an engagement in the colony, this sum will be placed in his own hands.

It shall always be at the option of the Emigrant to enter into a second engagement of five years, for which he shall be paid a premium equivalent to one-half the cost of his return to China. In such a case the sum destined to cover the expense of his return home shall not be paid until the expiration of his second engagement.

Every Emigrant who may become invalided and incapable of working shall be allowed without waiting for the expiration of his contract, to claim before the legal Courts of the colony or territory where he may be, payment on his behalf of the sum destined to cover the expense of his return to China.

ARTICLE X.

The Emigrant shall in no case be forced to work more than six days out of seven, nor more than nine hours and a half in the day.

The Emigrant shall be free to arrange with his employer the conditions of work by the piece or job, and of all extra labour undertaken during days and hours set apart for rest.

The obligation on holidays to attend to cattle or to do such service as the necessities or daily life may demand, shall not be considered as labour.

ARTICLE XI.

No engagement to emigrate entered into by any Chinese subject under twenty years of age, will be valid unless he produce a Certificate from the proper Chinese Authorities stating that he

has been authorised to contract such engagement by his parents, or, in default of his parents, by the Magistrate of the Port at which he is to embark.

ARTICLE XII.

After four days, but not less, from the date of the entry of the Emigrant's name on the Register of the Agency, the Officer deputed by the Chinese Government being present, the Contract shall be read to the Emigrant, and he shall be asked whether he agrees to it, and having answered in the affirmative he shall then and there append his signature thereto.

ARTICLE XIII.

The Contract once signed, the Emigrant is at the disposal of the Agent, and must not absent himself from the Dépôt without the permission of the Agent.

Before embarking, every Emigrant shall be called before the Officer deputed by the Chinese Authorities to ratify his Contract, which shall be registered at the Consulate.

Twenty-four hours before the sailing of the ship, the Emigrants shall be mustered on board before the Consul and the Inspector of Customs, or their deputies, and the list shall be finally closed for signature and registration by the Consul and the Inspector.

Any individual refusing to proceed after this muster shall be bound to repay the expenses of his maintenance in the Emigration Dépôt at the rate of One hundred cash (one tenth of a Tael) per diem. In default of payment he shall be handed over to the Chinese Magistrate to be punished according to the laws.

ARTICLE XIV.

Any sum handed over to the Emigrant before his departure shall only be regarded in the light of a Premium upon his engagement. All advances upon his future wages are formally forbidden except, in the case of their being appropriated to the use of his family, and the Consul will take especial pains to provide against their being employed in any other way. Such advances shall not exceed six months' wages and shall be covered by a stoppage of one dollar per month until the entire debt shall have been paid.

It is absolutely forbidden, whether on the voyage or during the Emigrant's stay in the Colony or Territory in which he may be employed, to make any advances to him in money or kind payable after the expiration of his engagement. Any agreement of this nature shall be null and void, and shall give the creditor no power to oppose the return of the Emigrant to his Country at the time fixed by the Contract.

ARTICLE XV.

The Emigrant during his stay in the Dépôt shall be bound to conform to the Regulations adopted for its internal economy by the Consul and the Chinese Authorities.

ARTICLE XVI.

Any Emigrant who may be riotous or guilty of any misconduct shall be immediately locked up until the arrival of the Officers deputed by

the Chinese Authorities, to whom he will be handed over to be punished in conformity with the laws of the Empire; the Officers of the Agency being in no case authorised to take the law into their own hands and inflict any punishment.

ARTICLE XVII.

The Deputies of the Consul and of the Chinese Authorities shall at all times be empowered to demand admittance to the Agency, and to summon the Emigrants before them for purposes of interrogation.

They will be present at the signing of the Contracts and at the embarkation of the Coolies.

They will see to the maintenance of order, to the healthiness and cleanliness of the rooms destined to receive the Emigrants, to the separation of families and women, and to the arrangements on board the Transport ships.

They may at any time demand that Experts or Medical Officers shall be called in, in order to verify any defects which they may have remarked; they may suspend the embarkation of Emigrants in ships the arrangements on board of which may seem to them defective, and they may reject Coolies afflicted with contagious diseases.

ARTICLE XVIII.

The Emigration Agent shall be bound to pay into the Customs' Bank the sum of Three Dollars for every Male Adult entered on the list of Coolies embarked, to meet the expenses of inspection.

ARTICLE XIX.

Any Emigrant claimed by the Chinese Government as an offender against the Law, shall be handed over to the Authorities without opposition, through the Consul; and in such case the whole sum expended for the maintenance of the Emigrant in the Agency or on board ship, shall be repaid immediately to the Emigration Agent, at the rate of one hundred cash (one tenth of a Trel) per d'm.

The sum of the Premium, Advances, Clothes, &c., entered in the Agency Register against such Emigrant shall in like manner be repaid by the Chinese Government.

ARTICLE XX.

The Emigration Agent shall not be at liberty to embark Emigrants on board any ship which shall not have satisfied the Consul that, in respect of its internal economy, stores and sanitary arrangements, all the conditions required by the Laws of the country to which the said ship may belong are fulfilled.

Should the Chinese Authorities, upon the reports of the Officers deputed by them, conceive it their duty to protest against the embarkation of a body of Emigrants in a ship approved by the Consul, it shall be in the power of the Customs to suspend the granting of the Ship's Port Clearance until further information shall have been obtained, and until the final decision of the Legation of the country to which the suspected ship belongs shall have been pronounced.

ARTICLE XXI.

On arrival of the ship at her destination the duplicate of the list of Emigrants shall be presented by the Captain to be visé by his Consul and by the Local Authorities.

In the margin and opposite to the name of each Emigrant, note shall be made of deaths, births and diseases during the voyage, and of the destination assigned to each Emigrant in the colony or territory in which he is to be employed.

This document shall be sent by the Emigration Agent to the Consul at the port at which the Emigrants embarked, and by him delivered to the Chinese Authorities.

ARTICLE XXI.

In the distribution of the Emigrants as labourers, the husband shall not be separated from his wife, nor shall parents be separated from their children being under fifteen years of age.

No labourer shall be bound to change his employer without his consent, except in the event of the factory or plantation upon which he is employed changing hands.

His Imperial Highness the Prince of Kung has further declared in the name of the Government of His Majesty the Emperor of China:—

1st.—That the Chinese Government throws no obstacle in the way of free Emigration, that is to say to the departure of Chinese subjects embarking of their own free will and at their own expense for foreign countries, but that all attempts to bring Chinese under an engagement to emigrate, otherwise than as the present Regulations provide, are formally forbidden and will be prosecuted with the extreme rigor of the Law.

2nd.—That a Law of the Empire punishes by death those who, by fraud or by force, may kidnap Chinese subjects for the purpose of sending them abroad against their will.

3rd.—That whereas the operations of Emigration Agents with a view to the supply of Coolie labor abroad, are authorized at all the open ports, when conducted in conformity with these Regulations and under the joint supervision of the Consuls and the Chinese Authorities, it follows that where this joint supervision cannot be exercised, such operations are formally forbidden.

These declarations are here placed on record, in order that they may have the same force and validity as the Regulations contained in the twenty-two Articles foregoing.

Done and signed at Peking in triplicate, the 5th of March 1866.

(Signed) RUTHERFORD ALCOCK.

L. S.

Seal and Signature of Prince Kung.

(Signed) HENRY DE BELLOMONT.

L. S.

True copy,

J. Mc. L. Brown,

Assistant Chinese Secretary.



Legation of the United States,
Peking, March 19. 1866.

To His Imperial Highness Prince Kung

to

to

to

Sir,

I have the honor to acknowledge your dispatch of the 15th inst., relating to the engagement of laborers to go abroad on service, and inclosing a set of Regulations concerning this business in twenty-two articles; and disallowing their engagement in the city of Macao or shipment from that port, in order more effectually to carry out the plan.

I have carefully examined these Regulations, which seem to be well adapted to prevent the evils which have attended the hiring of coolies. Before I can enjoin their observance upon American merchants, however, I must first submit them to the careful examination of the Government at Washington, and await the action of Congress upon them; for, in consequence of the flagrant evils connected with the hiring of coolies in the southern

southern provinces, where during more than ten years past, they had been decoyed away or kidnapped in many instances, the Congress of the United States passed a law in February 1862, forbidding American ships to carry coolies away from China. Consequently, during the past four years no American ship has carried them. At that time the Emperor's Government had not issued any regulations, and this law was enacted out of a regard to the grievous miseries which the Chinese suffered.

I may also here allude to the action of Mr. Ward, late U. S. minister to China, who, on being informed by Lao, the Governor-general, that an American ship at Whampoa had over 330 coolies on board, some of whom were detained against their will, ordered them all to be examined at the office of the Nankai magistrate in Canton, when it was ascertained that every one of them were unwilling to go, and so all were released to go home.

But the dreadful evils connected with the coolie trade are not yet stopped;

and

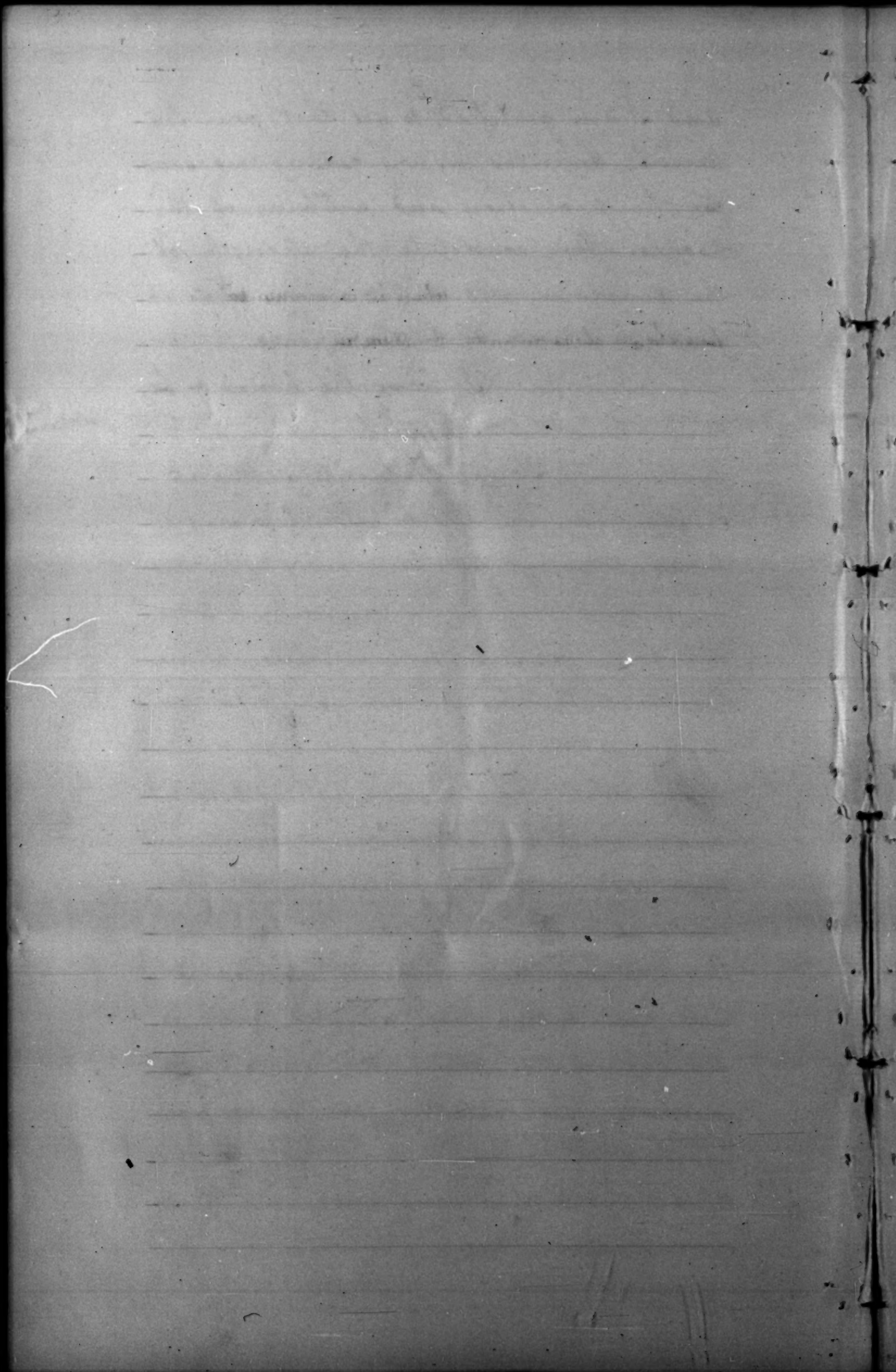
and I am gratified to see that your Imperial Highness is now taking measures for the protection and wellbeing of the people. They constitute the strength of the kingdom, and when it is strong in its people, it is ~~essentially~~ ⁱⁿ peace.

I have the honor to be,

Sir,

Your Obedient Servant

C. M. Williams



Copy

Peking, March 24. 1866

My Lord,

The Prince of Kung last September proposed a set of Regulations for the protection of Chinese emigrating as hired laborers in accordance with the articles referring to this subject in the English and French Conventions of October, 1860. Mr. Wade, in anticipation of my arrival, had replied in general terms; while Mr. de Bellonet, the French chargé d'affaires, occupied the intervening time in framing a carefully digested projet, which he had communicated to this Legation, and discussed article by article with Mr. Wade and Mr. Hart.

The regulations thus prepared appeared to me well adapted to correct abuses at the ports, after some modifications suggested by my former experience

Rt. Hon. The Earl of Clarendon
Foreign Office

perience at Canton. They were accordingly embodied in the inclosed Convention, — which was signed on the 5th inst. by Prince Kung, the French chargé d'Affaires, and myself. When the new Regulations come into force, all liability to grave abuses at the ports may be considered at an end. But the far greater evil of kidnapping and shipping coolies from Macao, to which the Prince refers in the inclosed letter addressed to the several Legations, will still continue, and can only be met by other and larger measures in which all the Treaty Powers must take part. In the meantime, as I learn from a return of shipments from Macao in the year 1865, prepared for M. de Bel. lonet, it appears that some 15,000 Chinese laborers are likely to be shipped annually to Spanish, Peruvian and Chilean ports, where they are sold into virtual slavery. That these unfortunate coolies are kidnapped, or otherwise entrapped under the jurisdiction of the Portuguese Government at Macao, is so generally

generally asserted and believed by Chinese and foreigners alike, having personal observation to guide them, as scarcely to admit of question. Officially denied by the Portuguese authorities implicated, the conviction yet remains, and such charges are ^{continually reiterated} in the Hongkong newspapers as go to prove it. It is impossible not to join in the conclusion that if these horrors of a slave trade, worse than that of the poor African negro, exist in the colony of a Christian state, "all nations ought to unite to put an end to it." To effect this, nothing more seems required than the cordial coöperation of the Powers having treaties with China, - first, as regards the source of the evil; and secondly, the destination of the victims. The only acknowledged slave trade in the world which now exists, it appears is directed exclusively to the shores of Cuba and Porto Rico; and Spain has recently declared a desire "to fulfill its solemn compacts, and to stamp the trade with the seal of its absolute reprobation" But Peru and Chili largely import these coolies

coolies, who, without protection or safeguard, are only slaves under another name. Portugal, having no colonies to be benefited by the labor of emigrants, is only engaged in this nefarious traffic for the profit chiefly of a few individuals at Macao, many of whom are not even her own subjects. It may be hoped, therefore, that the Government of Lisbon will not, for such inadequate ends, refuse to cooperate with other powers to dry up the source, and thus remove the reproach now attaching by common report to the Portuguese authorities in the colony.

It cannot be wondered at, under these circumstances, that the Prince of Kung, in his official dispatch should distinctly specify Macao as the seat of the evil, and invite the Treaty Powers to interdict the shipment of coolies thence by vessels under their respective flags. He makes a further request, that if Chinese subjects are taken to countries with which China has no treaty relations,

tions, as the French and English under the Convention of 1860 have the right of transport without limitation, that efficient protection will be extended to them by the Power under whose flag they are shipped. How far this would be an effective safeguard, or whether any real protection by consular and diplomatic agents could be extended in the Spanish colonies, or in Peru and Chili, is very doubtful. But if France and England were willing to renounce the privilege secured to them by the Convention, of transporting coolies to any countries with which China had not entered into treaty relations, it would in that case cease to be a right for any other Power, and the Chinese Government could have the option of protecting its subjects by appointing consular agents of their own at the ports of disembarkation. I assume that, by international usage, the reciprocal right of appointing consuls rests in China as a matter of course, and by vir-
tue

tue of the treaties already made. If this be correct, there is reason to believe that at no distant period the Chinese Government might be induced to take into serious consideration the expediency of exercising this privilege.

Having already a very large staff of foreigners attached to the Customs, who speak and write Chinese, they have the means always at hand of appointing trustworthy consular agents, able alike to communicate with the Chinese emigrants and the authorities of the country where they might be located - obviously an essential condition.

This would, in itself, contribute a step of no small importance as tending to promote the rapid development of more cordial relations between China and the several Treaty Powers, to the manifest advantage of all. The Chinese Government might thus gain interesting reports of foreign countries from their own accredited agents, and new sources of information.

This

This first innovation would attract attention, and sooner or later, - would probably lead to another, in the appointment of Diplomatic Agents to represent them in the western capitals. Were it not a question of humanity, therefore, appealing strongly to the sense of justice, and the sympathies of every civilized Power, the means here contemplated recommend themselves as initiating a policy full of promise for the future. Viewed in either light, I trust your Lordship may concur with me as to the desirability of coöperation among the Treaty Powers, and put ^{to a state of things} an end, at all events, reflecting the gravest reproach on Western nations, through whose agency it is alone established and perpetuated.

In this hope I joined M. de Bellonet in signing the Convention.

* * * * *

I have, &c.
(Signed) R. Alcock

ack by 36.

M. Pratt

RECEIVED,
Dept. of State,
JUL 19 1866

No. 28. *See inclosure*
W. Pratt

Legation of the United States,
Peking, April 6. 1866

Sir,

I have the honor to acknowledge the receipt of two dispatches Nos 7 & 12 relating to the case of ^{Case of} Burgerine; and to send you, in connection with Nos 3 & 6 of mine last year, two additional documents closing the subject, viz., the report of the Chinese authorities respecting the disposal of his body (Inc. A.) dated 2^d Nov^r 1865; and (Inc. B.) my letter to them of the 2^d inst., giving your decision as to the disposal to be made of the criminal. ^{Inclosure A.}
These two papers should be prefixed to the long dispatch in the form of a report to me from the Consul-general, dated Feb. 2. 1866, which has been lately forwarded to you from Shanghai. ^{Inclosure B.} ^{Documents sent from Shanghai}

I hesitated at first whether it was desirable to inform the Chinese
of
Hon. William H. Seward
Secretary of State.

Treatment
at
Fukchau

of your decision, though they had particularly requested it; but after reading the note sent by Burgevine to the consul at Fukchau June 3^d, it seemed to be a good opportunity at the same time to protest against the cruelty exercised towards him and his fellow-prisoners by the provincial officers of Fukkien. Whatever plans the officials at Peking may have had regarding his ultimate disposal, I do not think that this harsh treatment can be charged to them; their wish was to execute him themselves. But the central Government is very weak in such cases, and a pragmatic governor or general easily sets aside their orders to carry out his own ends, and then reports whatever he sees fit. Though the Emperor may be sure that his proconsuls in the provinces will on the whole act loyally towards him, their semi-independance and willfulness of restraint forms one of the most unsatisfactory features of Chinese polity that foreign officials have to deal with peaceably.

Division of
power

This

This case of Burgevine illustrates some of these points better than any remarks of mine; and a perusal of all the documents will enable you to judge whether he and his fellow-prisoners were drowned intentionally or accidentally, as well as we in China can do. The question has been much discussed among foreigners, though I suppose it can never be decided; and each one's opinion would be biased by his estimate of the people. I think that the boat was upset by the current; and that this unforeseen accident balked Governor Ii at Nanking of his expected pleasure of getting his enemy into his power.

The whole career of Ward and Burgevine in the service of this Government was experimental and unsatisfactory, and shows that the position of our countryman in it should be better defined. The Peking authorities see now how hazardous it was, and they can avoid future disagreements; but their position in 1860 was a desperate one, and they adopted a good plan, as it proved, by encouraging
Ward

ward to initiate the drilling their men
in foreign arms and tactics. Now they
are carrying out this plan widely -
and efficiently.

I have the honor to be,
Sir,

Your Obedient Servant
S. W. W.

Inclosure
C.

P. S. - April 9. A reply has unexpectedly
just come from Prince Kung, [Inc. C.] which,
though vague in its terms, is, I am dispo-
sed to think, intended to assure me that
in future all American citizens arrested
in the country will be handed over to their
consuls. The Governor-general at Canton
last year delivered a man named Baffey
to Mr. Perry; he had been aiding the re-
bels near Amoy, and took the first favo-
rable opportunity to leave them, and throw
himself upon the officials in the north-
east of Canton province; they took him
down to the city, and requested the consul
to try him, but I have not heard the result.

S. W. W.

Prince Hung, chief Secretary of State for Foreign Affairs, herewith makes a communication respecting the case of Burgevine, who was drowned in the district of Lanki in Chehkiang by the boat upsetting in which he was traveling.

On the 1st of September, I informed you that Burgevine had been drowned by the boat upsetting, and that his coffin was still at Lanki; and inquired whether his body should be buried in the same place where it was found, or whether you had any directions to give respecting its being brought away and buried elsewhere. You stated in reply, that you was much obliged to the district magistrate of Lanki for recovering the body of Burgevine, and for his oversight in having it put into a coffin - acts which showed his kindness of heart; and wished to have the coffin taken to Ningpo and delivered to the United States' consul, who would bury it.

Accordingly, directions were sent from the Foreign Office to the Governor of Chehkiang to comply with your wishes. A
dispatch

dispatch has now been received from Li, the
Superintendent of Commerce at Shanghai,
inclosing an extract from a report of the In-
tendant of Circuit at Shanghai, as follows:-

"On the 19th of September, Mr. Seward,
"the U. S. Consul-general, sent his interpreter
"Mr. Allen to Ningpo, where he joined the vice
"consul Mr. Lewis, and they together went on
"to Lanke, meeting Liou Tsin, the officer deputed
"by the Governor of Chekkiang, at that place on
"the 28th; and all conferred with the river bailiff
"and other officials, and together went out of
"the north gate to a place where six coffins
"were stored. Among these was to be seen
"Burgevine's, varnished black and sprinkled
"with gold leaf. Mr. Lewis, having closely in-
"terrogated the bailiff, and learned that extra
"care had been observed in putting the body
"into the coffin, said it was needless to open
"it. The next day he went with the same
"official and others to the places where the
"boat was upset, and where Burgevine's body
"was dragged for and found, having every po-
"sition carefully pointed out, and making a
"drawing of the localities.

"On the 2^d of October, a public bier was

prepared, and the river bailiff had Burge-
vine's coffin put on board a boat and sent
in charge of some of his men to Ningpo,
where it was received and thence forwarded
to Shanghai."

From the above I learn, in brief,
that the consul-general had sent Mr Lewis
his vice consul to Lanki to learn the par-
ticulars respecting the disposal of Burge-
vine's coffin and get it; and further that the
local authorities there had taken good care
of it, and had sent men in company with
it to Ningpo, where it was received and for-
warded to Shanghai. This therefore ends
this case, and I now inform you of these
proceedings for your satisfaction.

To H. E. S. Wells Williams
U. S. Charge d'Affaires

November 2^d. 1865. (Tungchi, 4th year, 9th moon,
10th day.)

Legation of the United States,
Peking, April 2. 1866.

To His Imperial Highness Prince Kung

Sir,

Referring to the case of Burgevine formerly a prisoner in the hands of the Chinese authorities, and to my dispatch of June 21. 1865, in which I proposed to leave him in your custody until I could receive instructions from my Government — whether he might be surrendered to the Chinese, I have now the honor to inform your Highness that I have been honored with instructions from the Secretary of State, as follows:—

"Although the offender Burgevine
"was in the employ of the Imperial Govern-
"ment, he is still an American citizen, and
"must accordingly be judged by the laws
"of his country; and if on the trial, his guilt
"is proved by clear evidence, he may then
"be left in the custody of the Chinese. But
"this is to be understood to rest upon the
"vol.

"voluntary consent on the part of the United
"States upon the grounds of national honor,
"and not from Chinese right under treaty
"stipulations."

In communicating this decision,
I beg to bring to your notice the conduct
of the Governor-general at Fuhchau towards
Burgevine. When he was in that city, the
American and British consuls received a
note from him, complaining that he was
treated with great cruelty and indignity,
and had not sufficient clothing or food, and
asking them to visit him. But the Governor-
general refused them permission even to
see him. Such conduct and treatment is
a violation of the rights of humanity, and
incenses every foreigner who hears of it.
Whenever an American citizen shall be
arrested by Chinese officers as a criminal,
they are bound to treat him kindly, and
not subject him to insult or cruelty, but
to deliver him over to the American
consul at the nearest port. His crime
will be carefully ^{examined} and equitably judged by
the consul, but the Government of the
United

United States will not consent in any case to have such a prisoner secretly taken through the interior of the country to another part of it - violating both the spirit and letter of the treaty.

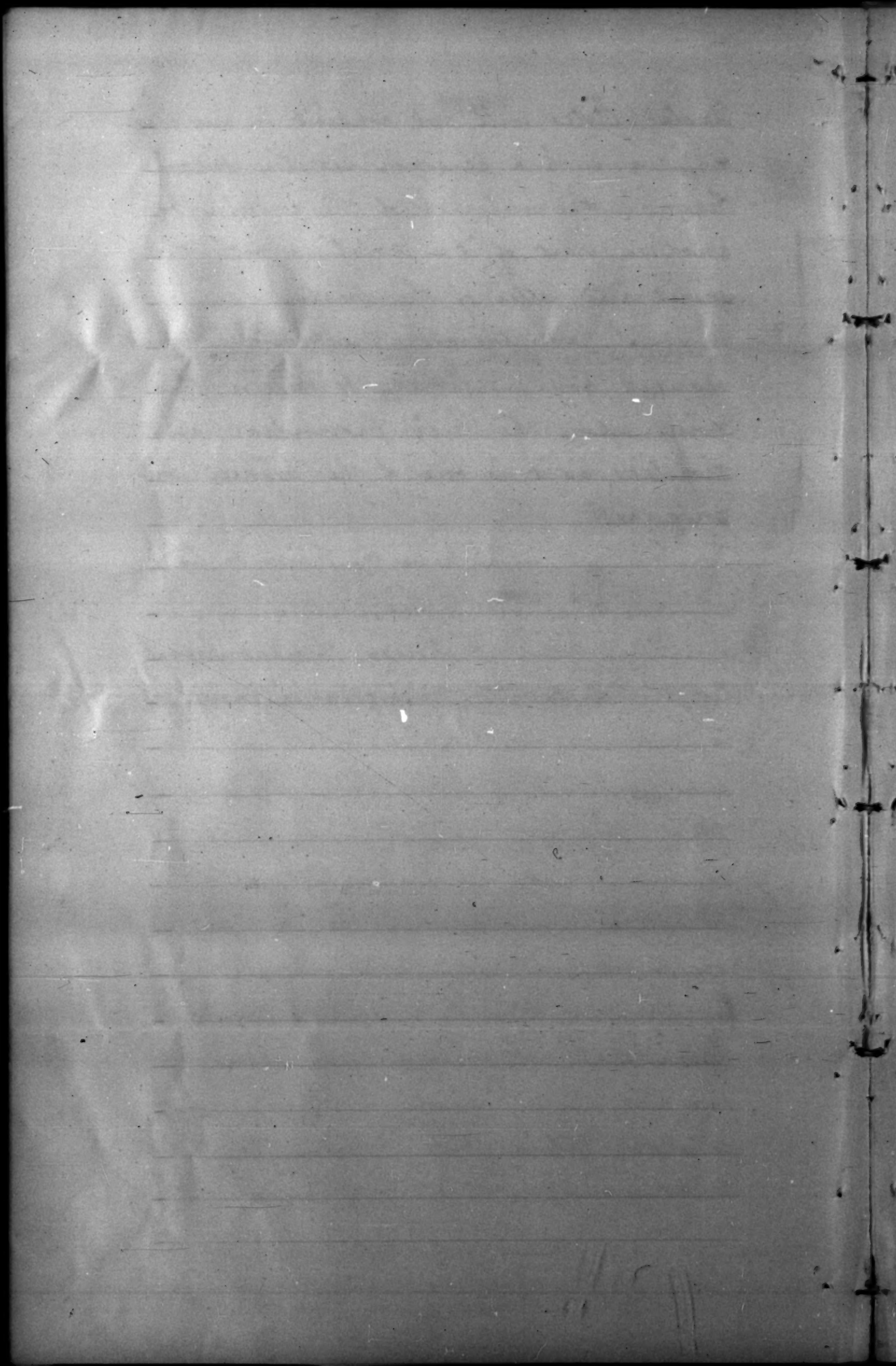
I have therefore respectfully to request your Highness to enjoin this point upon the high provincial authorities, as it is one of the highest importance.

I have the honor to be,

Sir,

Your Highness' Obedient Servant,

S. Miller Williams



Prince Hung, chief Secretary of State for Foreign Affairs, has the honor to acknowledge your Excellency's communication of the 2^d inst., the particular object of which was to make known to me the reply which you had received from the Government of the United States respecting the disposal to be made of Burgevine.

The circumstances which have attended this affair were all detailed last year in the various dispatches — which then passed between us; and further, Gov. Li, the Superintendent of Commerce at Shanghai, has arranged other points with Mr. Seward, the U. S. consul, so that all things seem now to be settled in a manner that is acceptable to all.

I may, however, express the desire that no such case will again arise, and that no Americans in China will join seditious natives in rebellion; the Chinese Government will then have no occasion

to restrain or imprison citizens of the United States. If such be the case, none of these evils will spring up; and as I confidently expect that it will be so, I send you this reply in order to express my gratification

To His Excy S. Wells Williams
U. S. Charge d' Affaires

April 9. 1866. (Tungchi, 5th year, 2^d moon, 24th
day.)

RECEIVED,
Dept. of State,
JUL 28 1866

Hauselott
N^o. 29. - Four Inclosures. *Mr. Simon will review the whole thing*
Mr. Simon *upon the case* *decide when convenient*
The Legation of the United States
with a view Peking April 7, 1866
should be in
Oct 7

Sir,
Referring to your dispatch N^o. 11, dated Dec. 20. 1865, which I have now the honor to acknowledge, I now inclose four more papers connected with the homicide of J. W. Butler at Ningpo in April last year.

These documents are, (Inc. A to D.)

1st The summing up by the French consul of the main reasons which led him to acquit Pépin of either murder or manslaughter.

2^d M^r. Lord's request to him to revise his judgment.

3^d M. Simon's reiteration of his first opinion as to the propriety of the acquittal.

4^d Deposition of the Carpenter, whose evidence M. Simon regards in his second letter as unworthy of belief.

I

Hon. W. H. Seward
Secretary of State.

I send you these papers to show the mode of reasoning adopted by the French consul, with all the testimony before him, (Butler's dying deposition among the rest;) and that after all, the words of the accused man Pépin himself seem to have had more weight in his mind than the entire evidence beside. I have no knowledge where Pépin has gone since.

The case, as you remark, seems to admit of no remedy; but if no representation has yet been made to the French Government as to the expediency of conferring appellate jurisdiction upon its chief representative in China, these inclosures may likewise aid in presenting a fuller exhibition of this case in proof of the desirableness of such a step.

I have the honor to be,

Sir,

Your Obedient Servant

J. M. Milliam,

Consulat de France à

Ningbo, le 16 Mai

Monsieur le Consul,

J'ai eu l'honneur de vous donner communication de toutes les pièces relatives au meurtre commis à bord de l'Annette par le français Pépin sur le sujet Américain Butler, desquelles il résulte pour moi:—

1° Que Pépin était bien dûment chargé par l'autorité chinoise de la conduite et de la garde jusqu'à Shanghai des prisonniers au nombre desquels se trouvait Butler, ainsi que le prouve la lettre de M^r de Meritens, directeur des douanes de Fouchou, lettre dont Pépin était porteur.

2° Que les prisonniers ne pouvaient arguer de leur ignorance de la qualité de Pépin qui lui avait été d'ailleurs reconnue par le capitaine du navire, attendu: L'encore bien qu'il n'en eût point été investi en leur présence, elle se trouvait affirmée par la présence du mandarin qui accompagnait les prisonniers, et à qui Pépin avait été donné comme collègue; et qu'en plus les prisonniers l'avaient reconnue et l'avaient

Monsieur E Lord

Consul des États Unis à Ningbo

l'avaient du reconnaître lorsque d'abord l'un d'eux se sauva pendant la nuit à Fuhchau au lieu de quitter le navire ouvertement comme il l'aurait fait s'il se fuit ainsi que ses camarades, considérés libres. Lorsqu'en suite les prisonniers et Butler virent le mandarin aller à terre à Ningpo sur la demande de Pépin, et revenir avec des soldats de renfort et l'officier des Douanes.

3^e Que depuis le lendemain du départ du navire, les prisonniers s'étaient délivrés de leurs fers.

4^e Que depuis la même temps, Pépin avait pu constater dans l'équipage du navire des dispositions très favorables aux prisonniers, et très hostiles pour lui-même.

5^e Que loin de lui faciliter en aucun moment l'accomplissement de sa tâche, l'équipage avait lui-même aidé les prisonniers à briser leurs fers, ce qui a causé d'abord la fuite de l'un des prisonniers, et la rixe à la suite de laquelle Butler a succombé.

6^e Que peu d'instant avant que le coup de pistolet fut tiré, Pépin et l'agent des Douanes envoyé de Ningpo par l'autorité Chinoise pour l'assister

l'assister, avaient sommé Butler de se retirer à l'arrière du navire sans que celui-ci eut tenu compte de cette sommation.

7^e Que Butler s'est jeté sur Pépin — avant que celui-ci ait fait usage de l'arme qu'il portait.

8^e Qu'au moment où il en a fait usage, il était déjà terrassé, et que les autres prisonniers s'avançaient sur lui dans le but, qu'il avait lieu de supposer tel, d'aider leur camarade.

9^e Que tous ces faits sont attestés par les trois seules personnes qui ont pu les voir de leurs yeux, étant assez près pour cela au moment même où ils se sont passés, à savoir, 1^{er} l'officier des douanes de Ning'po, 2^e le constable Priclair, collègue de Pépin, et le mandarin qui accompagnait les prisonniers depuis Amoy.

10^e Que notamment l'un de ces témoignages, celui de l'officier des douanes, avait été invoqué par Butler lui-même avant sa mort.

11^e Que ces dispositions sont conformes les unes aux autres, et s'accordent avec les réponses de Pépin, bien que depuis le moment du meurtre, il n'y ait eu aucun rapport entre
les

les témoins, ni entre aucun d'eux et l'accusé.

12^e. Que les autres dispositions qui pourraient être considérées comme ^{des} dispositions à charge, ne sont faites que par des témoins qui ont pu entendre quelques paroles proférées pendant l'altercation de Pépin et de Butler, mais n'ont pu voir leurs mouvements à cause de la distance où ils étaient, et de la nuit où ils se trouvaient.

Je pense donc, Monsieur le Consul, que Pépin n'a fait, en se servant du pistolet qu'il avait sur lui, qu'user du droit de légitime défense. Je serais heureux d'apprendre, avant de faire connaître ma décision au prévenu que l'examen auquel vous avez pu vous livrer de votre côté ait amené la même conviction en votre esprit.

J'ai l'honneur, &c &c &c

[signé] G. Eug. Simon

P.S. J'avais demandé à M. le Consul Général de France à Shanghai, si le navire "Annette" était encore dans le port de Shanghai, afin de chercher à faire une confrontation qui pouvait être utile d'après l'opinion qui vous m'avez exprimée, mais j'ai reçu hier de M. le Consul Général l'avis que ce navire était déjà parti depuis longtemps. - G. E. S.

True copy

S. W. Williams

United States Consulate,
Ningpo. June 21. 1865

Sir,

Referring to the matter of the shooting of an American named Butler, on board the British merchant steamer "Annette", I have to say that I have consulted with Mr. Seward, United States consul-general, and that we together are of the following opinion: -

1st That the man Pépin, being a subject of the Emperor of France, must be considered subject to your jurisdiction in this case, particularly since the British authorities have declined jurisdiction.

2^d That it is not at all incumbent upon either Mr Seward or myself to conduct the prosecution against Pépin, - but that it devolves upon the authorities of France to see that a subject of the Empire be not allowed to commit an offense with impunity.

3^d That both Mr Seward and myself not only have great confidence in
your

G. Eug. Simon Esq.

Consul of France

your judgement, but we feel fully satisfied that it is your sincere and earnest wish to administer justice in the case.

With these remarks, I have to say in reply to your request for my opinion in the case, that neither Mr. Seward nor myself can, upon the evidence thus far rendered, consider Pèpin innocent. Upon this point I should wish to direct your attention to the discrepancy in the evidence of Pèpin and his associate constable, and particularly to the evidence of the carpenter, who was a disinterested party, and whose evidence is most distinct, and which agrees entirely with that of Butler given before his death, and which also is in no wise inconsistent with the tenor of the testimony given by the witnesses generally, excepting Pèpin. - While, however, holding this view, we have not been unmindful of the circumstances of the case, which go to - mitigate the nature of the offense.

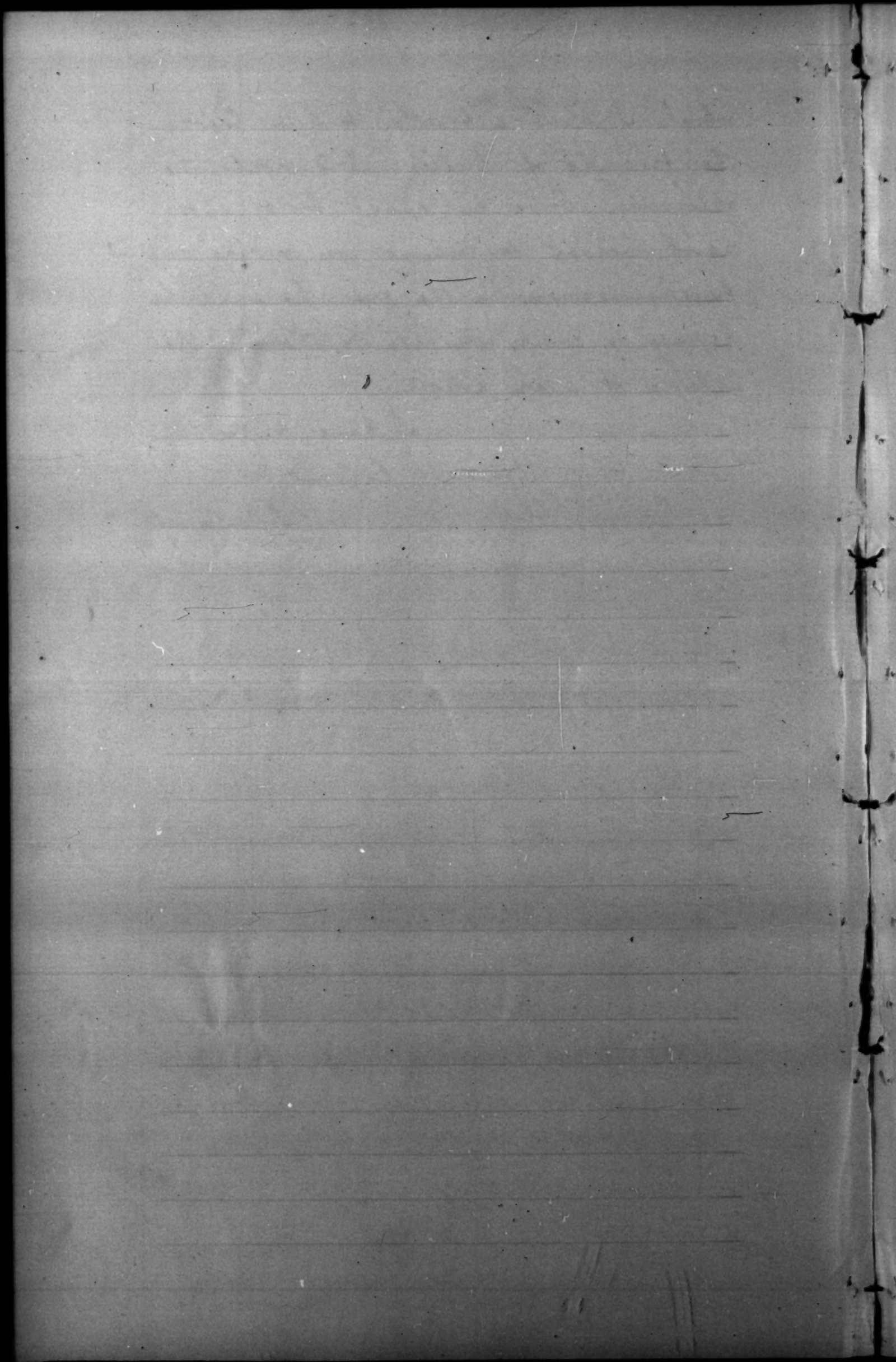
Mr. Seward will lay the evidence
which

which I have submitted to him before
the friends of Butler. And should the
opinion above expressed be of suffi-
cient weight to induce you to take any
further action in the case, he will be
happy to communicate to them the
nature of such action.

I have, &c &c

(Signed) E. C. Lord

U. S. Vice Consul.



Consulat de France à Ningbo,
le 24 Juin, 1865

Monsieur le Consul,

Lorsque je fusse déjà bien persuadé de la non culpabilité du sieur Pépin, qui le 16 Avril dernier, et dans l'exercice de ses fonctions a tiré un coup de pistolet sur le sujet Américain Butler, j'ai voulu après votre lettre du 21 courant, examiner de nouveau toutes les pièces relatives à cette affaire. Je l'ai fait avec le plus grand soin, et en écartant autant que possible le souvenir de l'opinion que j'avais déjà pu m'en faire.

La déposition du charpentier du navire qui vous paraissait, ainsi qu'à M. le Consul Général, comme elle me l'avait semblé à moi-même être une charge grave contre le constable Pépin, a été encore de ma part l'objet de la plus sérieuse attention. Mais outre qu'elle est la seule qui constitue une véritable charge contre Pépin, puisque les autres ne sont faites que par des individus qui ne se donnent même pas comme témoins

Monsieur E. Lord

Consul des États-Unis à Ningbo

moins, et ne rendent compte que des faits qui ont suivi le coup de pistolet, je n'y ai rien lu qui autorise à penser que le charpentier ait été vraiment témoin du fait. Il dit bien qu'il était à 3 mètres du groupe formé par le constable et Butler; mais, il faut se rappeler qu'il faisait tout à fait nuit, et comme il ne déclare pas positivement avoir vu, on a lieu de penser que la nuit l'a empêché de voir.

J'ajouterai même qu'en présence de trois dépositions à décharge du constable Piclaire, du mandarin, et du tide-waiter, aussi bien que des réponses de Pépin, toutes si conformes de récit, quoique d'origines si diverses, il est impossible qu'il en soit autrement. Cette quadruple conformité entraîne même si nécessairement la fausseté de la déposition du charpentier, que je me demande même s'il n'y aurait pas eu lieu de le poursuivre dans le cas où il aurait été possible de le confronter avec ces autres témoins, et où il y aurait persisté, comme s'étant laissé entraîner par un motif quelconque à produire un témoignage faux.

Loin

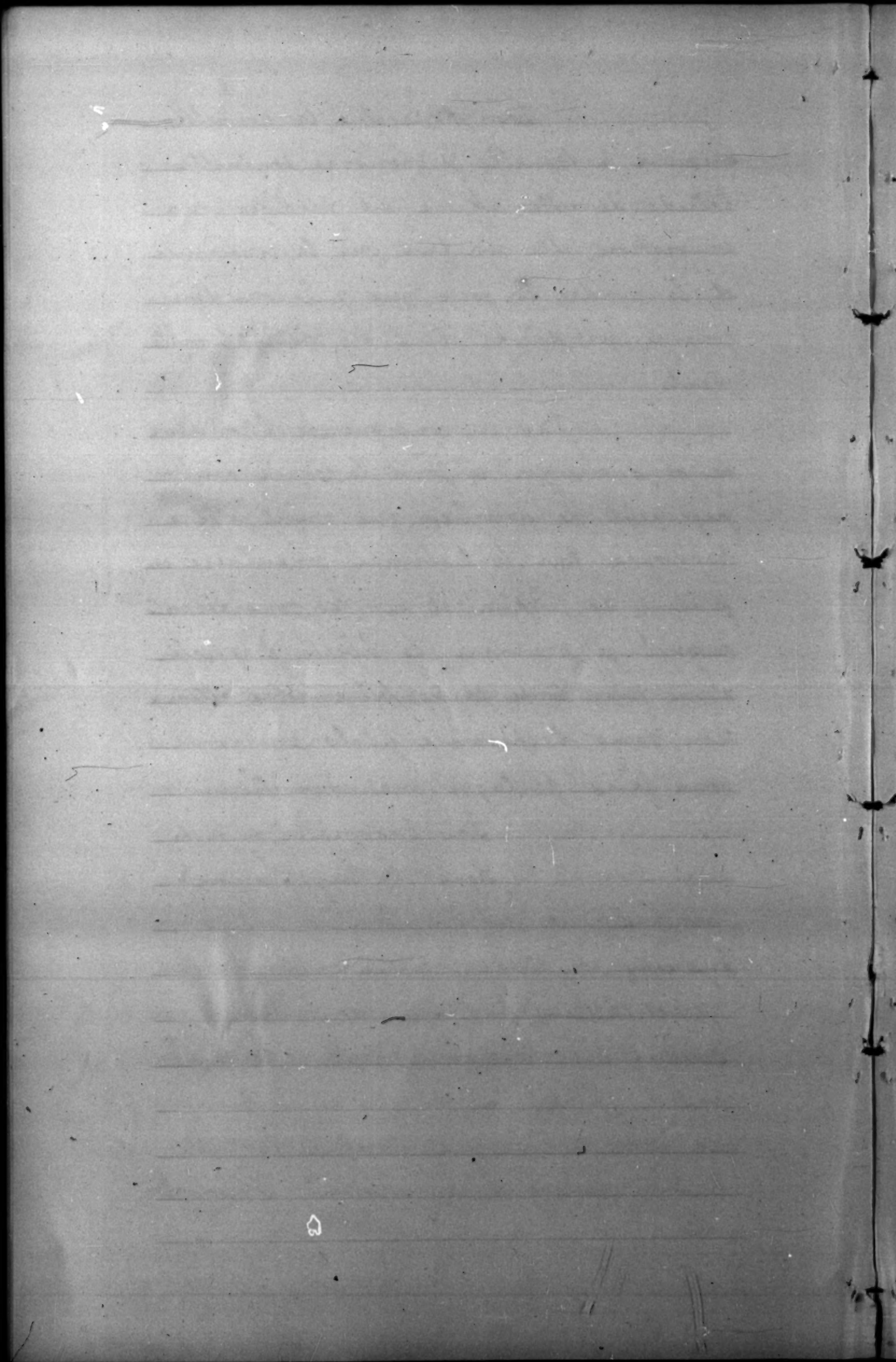
Loin donc que la nouvelle
épreuve à laquelle je viens de soumettre
l'étude de cette affaire ait modifié ma
conviction, elle n'a fait que la confirmer,
et la rendre si forte, que j'ai considéré
comme un devoir étroit d'y obéir prompte-
ment.

J'ai en conséquence l'honneur
de vous envoyer ci-joint la copie du -
jugement de non-lieu qui vient d'être
prononcé par le tribunal consulaire en
faveur de Pépin, et sur les considérants
duquel je prendrai la liberté d'appeler
d'une façon toute particulière votre atten-
tion dans l'espérance qu'ils pourront
vous faire partager ma conviction.

J'ai l'honneur, &c &c &c
(Signé) G. Eug. Simon

True copy

S. M. Williams



Statement of Jacob Sanstram, carpenter on board the British steamer "Annette", taken before H. M.'s Vice Consul this 29th day of April, A.D. 1865.

Jacob Sanstram sworn states; -

I am carpenter of S.S. "Annette". We arrived in Ningpo on or about the 17th April from Amoy and Fuhchau, having on board seven European prisoners in charge of two constables, one a Frenchman, and the other I think a Portuguese. The prisoners were not in irons in Ningpo; at about 7 P.M. on the 16th Butler went aft; the French constable stopped Butler abreast of the engine room skylight. I was close to the rail on the port side, and they were on the same side. I was not more than three yards from them. Butler said to the Frenchman that it was a shame to send Chinamen on board to put Europeans in irons. The Frenchman replied, "You have a knife on you." He said this in English. Butler said, "Me, a knife!" and unbuttoned his waistcoat and further said, "I don't carry a knife." The Frenchman said,

said, "I will put you in irons." Butler replied, "You can't." The Frenchman said that he would do so, and again accused Butler of having a knife, which he again denied. — Butler made use of these words, "I carry a knife for a thing like you." The Frenchman then said, "I will shoot you." And he caught Butler's left hand with his left hand, and with his right he drew a revolver from his pocket and fired straight at Butler's head, but he missed him. Butler then turned around and fell over the gun-carriage, the Frenchman bent over him and fired again, the revolver not being more than eight inches or a foot from Butler's side. The Frenchman then rose, and Butler sang out, "I'm killed!" and "Murder! murder!" I ran up, and the Frenchman stepped back, and went to the front of the cuddy. Butler staggered aft to the cuddy door, crying out, "Murder, murder!" The second shot was fired quickly after the first shot, too quickly for me to prevent it. I saw the Frenchman draw the revolver from his pocket as he held Butler's

Cris

le's wrist, he grabbed him with his left hand, and fired with his right. The first shot seemed aimed at Butler's head, then Butler in struggling tripped over the gun carriage and fell backward - or rather, slipped back, the Frenchman stooped down and fired the revolver into his right side towards the middle of his stomach I think. I can't say whether he had hold of Butler's wrist when he fired the second shot. The Frenchman never said a word after he had fired the first shot, but after he had fired the second he said, "I'll shoot you. I'll kill you." I caught him directly he fired the second shot, some of the other men then ran up and assisted me, and he was secured and put in irons. All Butler said to the Frenchman was that it was a shame for Chinamen to put Europeans in irons, that he did not wish to run away, but wanted to go to Shanghai. He also said that he had no knife when the Frenchman accused him of having one, and made use of the expression, "Carry a knife for a thing like you." When the Frenchman said, "I
"will

"will put you in irons," Butler replied,
"You can't." Then the Frenchman said,
"I'll kill you. I'll shoot you," and he grab-
bed his wrist, drew his revolver and fired.
I never saw Butler threaten the French-
man in any way.

his

(Signed) Jacob + Sanstram

mark

Taken and sworn to
before me at the time
and place first above
written

(Signed) John Markham

H. B. Vice Consul.

True copy

S. W. Williams

Translation -

Despatch 29
encl. A.

Consulate of France at Ningpo

16 May (1865)

Mr Consul

I have had the honor to communicate to you all the papers relative to the homicide committed on board the 'Annette' by the Frenchman Pepin on the American Citizen Butler, from which it seems to me:

1st That Pepin was by Chinese authority very duly put in charge of the conveyance and custody of so far as Shanghai of some prisoners among whom was Butler, as is in proof by the letter from M^r Meritens, Director of the Customs at Fouchow, a letter of which Pepin was the Bearer.

2^d That the prisoners could not raise the question of their ignorance of the quality of Pepin, which had moreover been recognized by the Captain of the vessel,

considering, that even if he had not been
invited with it in their presence, it was
affirmed by the presence of the Mandarin
who accompanied the prisoners, and to
whom Pepin had been given as colleague,
and besides the prisoners had
acknowledged it, and must have
acknowledged it at the time one of
them made his escape during the night
at Fuchow, in place of leaving the
vessel openly as he would have done
if he and his comrades were
regarded as free; & When afterwards
Butters prisoners saw the Mandarin
go ashore at Ningpo, and bring back
a reinforcement of soldiers and custom
house officer.

3^d. That the second day after the
departure of the ship the prisoners
were set free from their shackles.

4. That after the same time
Pepin had succeeded in establishing
among the crew of the ship inclinations
very favorable to the prisoners, and
very very hostile towards himself.

5th That far from in any manner facilitating to him the discharge of his duty, the crew itself had aided the prisoners in breaking their fetters, which caused at first the escape of one of the prisoners, and the quarrel, at the close of which Butler fell.

6th That a few moments before the pistol was fired, Pepin, and the Custom house agent sent from Ningpo by the Chinese authority to assist him, had ordered Butler to withdraw to the stern of the vessel without his taking any notice of such summons.

7th That Butler attacked Pepin, before he made any use of the weapon he carried.

8th That at the moment when he used it, he was already thrown down, and that the other prisoners were advancing on him for the purpose, as he had reason to suppose, of aiding their comrade.

9th That all these facts are attested by the three persons who alone could be eye witnesses, being near enough for that at the moment of their occurrence,

to wit 1st the Officer of Customs from Ningpo.
2^d the Constable Preclair - colleague of Pepin,
and the Mandarin who accompanied the
prisoners from Amoy.

10 that, the testimony, of one especially,
that of the Officer of Customs, had been
invoked by Butler himself before his death.

11th that these depositions are in confor-
mity with each other, and accord with
the replies of Pepin, also from the moment
of the homicide there had been no
communication between the witnesses,

nor between either of them and the accused.

12th that other ^{depositions} arrangements which
might be considered as bearing on the
matter were made only by witnesses,
who might have heard some words used
during the altercation between Pepin
& Butler but could not see their move-
ments because of the distance at which
they were, and its being at night.

I think therefore Mr Consul that
Pepin did nothing, in using the
pistol he had about him, but exercise
the legitimate right of self defence.

I would be happy to learn before making
my decision know to the accused, that
the examination you have been able to
give to it on your part may have
induced a like conviction in your mind.

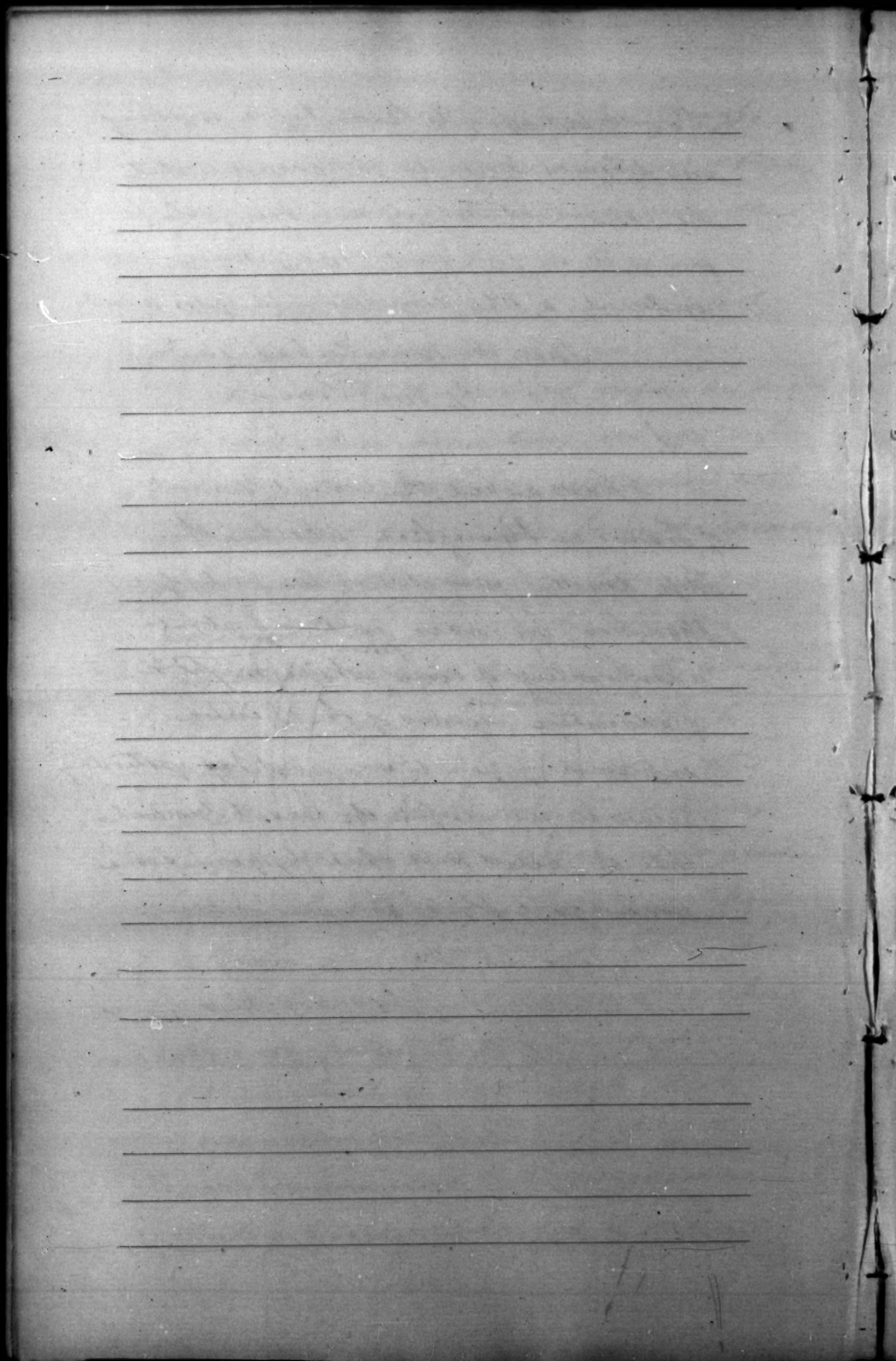
I have the honor to be ~~and~~

G. Eug Simon

P.S.

I had asked the Consul General
of France at Shanghai whether the
ship 'Annette' was still at the port of
Shanghai in order to bring about
a confronting of some ^{persons} which might be
of advantage in view of the opinion
expressed by you to me, but I got yesterday
reccival advice from the Consul General
that the vessel had already gone some
time ago. G. E. S.

(copy) L. W. Miller



(Translation)

Enclosure C

Consulate of France

at Ningpo - 24 June 1865

M^r Consul

— although I was already very well satisfied of the non culpability of M^r Pepin, who on the 16 April last, and in the discharge of duty fired a pistol shot at the American citizen Beates, I resolved, after your letter of the 21st Inst. to reexamine all the papers relative to that affair - I have done so with the greatest care, and setting aside as much as possible all recollection of the opinion that I had previously been able to form.

The deposition of the carpenter of the vessel, which seemed to you as well as to the Consul General, as it had also seemed to me, to be a grave charge against Constable Pepin, has again been on my part the subject of the most serious attention.

7
But beyond its being the only one which constitutes a direct charge against Pepin, as the others are made only by individuals who do not even assume to be witnesses, and only give an account of some facts which followed the discharge of the pistol, I have read nothing therein which authorizes me to think that the carpenter had really been a witness of the fact.

He says indeed he was three metres distant from the groupe formed by the constable and Butler; but it must be borne in mind that it was already night and as he does not positively declare to have seen it, there is ground to believe that the darkness prevented his seeing it.

I would add also that in view of three depositions in exculpation from the Constable Preclaire, from the Mandarin, and the Lide Walter, as well as from the answers of Pepin, all so conforming in narration, although so diverse in origin, it is impossible that ~~the thing~~ it could be ~~other~~ otherwise. This quadruple

quadruplicate conformity draws after it
 so necessarily the falseness of the depo-
 sition of the carpenter, that I ask myself
 whether there would not ^{have been} room to bring
 action against him, in case it had been
 possible to confront him with the other
 witnesses and where he ^{might} ~~would~~ have
 insisted, like one ^{induced by} ~~drawn along by~~
 any cause whatever in making
 bearing false witness.

Far from the new trial to which
 I have submitted the study of this affair
 having modified my conviction,
 it has only confirmed and made
 it so strong, that I have regarded it
 as a strict duty to obey it promptly.

I have in consequence the honor to send
 you herewith the copy of the sentence of
 non lieu, (no cause of action) which has been
 pronounced by the Consular Court in
 favor of Pepin, and to the considerations
 for which, I shall take the liberty very specially
 to ask your attention in the hope they will bring
 you to participate in my conviction. I have the
 honor to be

G. Eug. Simon

(sent Mr. Williams)

To Mr Lord - Consul U States at Ningpo.

Mr. Pratt

No. 30. - Three Inclosures.

RECEIVED,
Dept. of State,
JUL 19 1866

Legation of the United States,
Peking, April 12th 1866.

Sir,

I have the honor to send you some particulars relating to the ^{Desecration} of the American cemetery ^{at Tangchau} at Tangchau, which is interesting chiefly as showing one of the modes in which the natives of China vent their illwill upon their enemies, and have done so, in this instance, against missionaries. Out of many depositions and official papers, which it is not necessary to send you in extenso, I have learned that when the missionaries first went to Tangchau, they found it difficult to purchase land for a burial-ground from the people. They therefore applied to the district magistrate of Punglai, who rules over a portion of Tangchau prefecture, and he ^{Graveyard} given kindly set apart a plat of ground, that belonged to government, which he told them he could not sell but would grant in perpetuity.

To Hon. William H. Seward
Secretary of State

perpetuity for this purpose, and file the record in his archives. He also was at the expense of setting up boundary stones, and a marble slab on which was engraved the grant to the missionaries. This act of consideration and courtesy deserves notice, for I am not aware of another instance like it in China.

This was in the autumn of 1861, and during the next eighteen months several headstones were erected, some trees planted, and the plat partly turfed. No injury appears to have been done for two years, but in the spring of 1864, it was noticed that some of the trees had been removed, three headstones thrown down, others chipped, and the official inscription mutilated. These acts were reported to the magistrate, who readily promised the missionaries to investigate the affair and deal with the offenders.

"A few days after our visit," says one of them, "an old man with a chain around his neck was led to my house by the mandarin's runners, who presented his card
"with

"with a verbal message to me, stating that
"this was the constable whom we might
"punish as we saw fit. I sent the man
"back, with a written reply, expressing our
"surprise and dissatisfaction at this mode of
"procedure. On receiving it, the magistrate
"expressed great surprise that the man
"had thus been sent to me, that it was
"the unauthorized doings of his underlings.
"It seems, however, that he sent his police
"men into some of the neighboring villages
"to make inquiry on the matter; he also issued a proclamation, warning the people not
"to interfere with the graves; but nothing
"more was done. The broken stones were
"replaced by us."

During the next year (1865), further damages were occasionally perpetrated, until by the end of it, all the trees had been ruined, and hardly a whole stone remained in the lot, the fragments lying scattered about. Particular pains had been taken to obliterate the Chinese inscriptions in the epitaphs, especially the name of Jesus, proving the deliberate purpose

Successive
injuries

to annoy as well as destroy.

Intendant's
reply.
Inc. A

Dr. McCartney, the former consul at Tangchau, demanded that the authorities should see that these aggressions were stopped, but in vain. Mr. Sandford has done all that remonstrance can do since he arrived, to urge the Intendant to punish the offenders. I send a copy of the latter's reply to the consul (Inclosure A), as it exhibits his view of the responsibility of the proprietors of the graveyard. A second proclamation, forbidding natives to go to the place, was issued by the Punglai magistrate, Jan 11. 1866, under orders from the Intendant; but through fear of the people he seems to have retained most of the copies in his office.

Inclosures
B, C.

I also inclose copies of Mr. Sandford's statement of his proceedings and my reply, (Inclosures B. C.), which furnish all that is important. Although I do not think that the Chinese Government, according to a fair interpretation of the treaty, is liable for damages done to the graves, unless it can be shown that their
officials

officials have screened the offenders; yet, lest this illfeeling proceed to other acts — which may render a residence at Tangchau very disagreeable, I have requested Admiral Bell to visit that city if he can, as no U. S. national vessel has yet been there.

The missionaries concur in attributing these acts to a dislike to foreigners generally, and an unwillingness on the part of the citizens to see them settling permanently in their midst; and not to any personal pique against ~~any~~ them as missionaries — for none others yet live there.

Reasons
for these
injuries

One of them remarks, when explaining this point, that, "I believe these acts of injury did not arise from ~~any~~ illwill to any individual foreigner in Tangchau; neither did it arise from hatred of the American residents as a body, because they are missionaries or Americans, but simply because of a general hatred of us as foreigners. After residing among the Chinese nearly fourteen years, I am decidedly of the opinion that they bear

"no

"no malice against missionaries because
"of their religion; but they bear intense
"malice against the white^{race} simply because
"they see that they differ essentially from
"themselves, that there is no common ground
"of union; they see in the white man, will,
"energy, purpose, - and they dread and hate
"him as a latent power, and an intruder
"in their country foreboding no good but
"much future trouble. Under the influ-
"ence of these feelings, it gives many of
"them exquisite pleasure to injure a forei-
"gner or anything belonging to him; and I
"think they have destroyed these grave-stones
"simply as a luxury. They entertain no such
"feelings, so far as I have been able to dis-
"cover, towards any other race; and those
"who enjoy luxuries should pay for them
"in dollars and cents at a fair valua-
"tion, and thus they will be able to cal-
"culate beforehand to what extent they
"can afford to indulge."

Such a feeling as is here described, no
doubt exists to some extent all over China,
but it cannot be checked at all times, and is
often

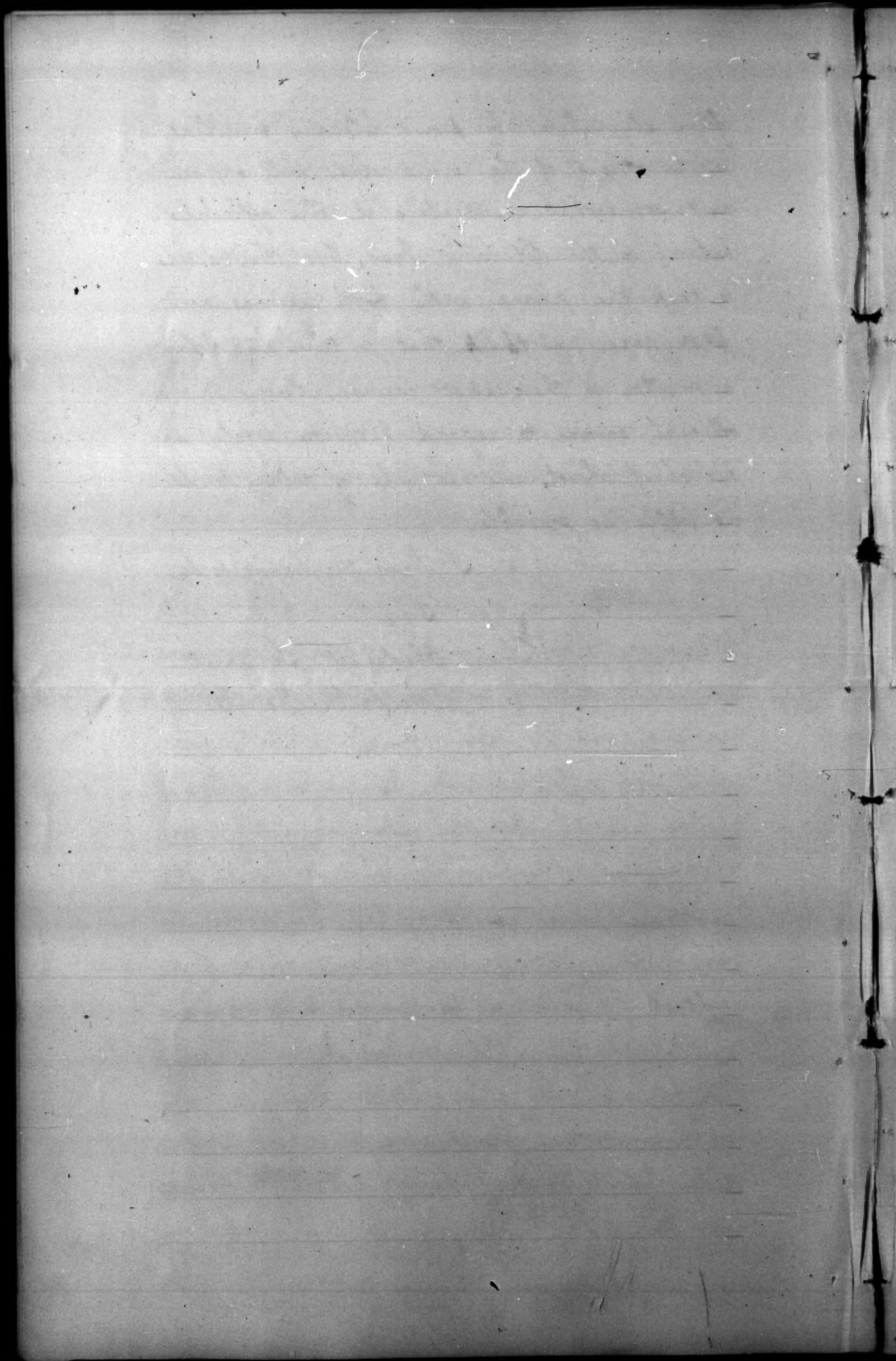
often stimulated by proud literary families, while others of the same class will oppose and somewhat neutralize it. The officials belong to the literary class, but they desire to keep the peace with both natives and foreigners, and think that to trim and delay a matter is their safest course. Every Chinese official comes to regard his own safety as his chief object, and his rule of action to do as little as possible.

I have the honor to be,

Sir,

Your Obedient Servant

J. M. Williams



Pwan, Intendant of Circuit, Commissioner of the Gabelle, and acting as Collector of Customs in the east of Shantung, has the honor to reply to the dispatch of the United States' consul respecting the destruction of gravestones in the American cemetery near Tangchau.

On receiving your dispatch, I issued orders to the district magistrate of Punglai to make inquiry, and he has now sent the following report:—

"I have to state that in October 1861,
"Mr. Danforth and other American missionaries
"reported to me that Mrs. Danforth had just
"died, and as they had no place to bury her
"in, it was necessary for me to get a spot
"somewhere. I therefore selected a plot in
"the public domain lying on the Little Gold
"Peak Hill, and there they laid her body. A
"map was made of the locality, and at their
"request I issued a public notice confirming
"the lot to them. On the 10th of March 1864,
"Mr. Hartwell and other missionaries represen-
"ted to me that the gravestones placed in
"this cemetery had been broken by persons
"unknown.

"unknown. Finding that the statement was
"true, I sent policemen to make careful
"inquiries through all that neighborhood as
"to who had done it, and issued a procla-
"mation warning people not to do any
"damage to the grounds. Now, this lot where
"the American cemetery lies having been
"a portion of waste land belonging to Gov-
"ernment, it had not been rented by any
"body, and had therefore paid no tax. When
"the missionaries complained last year
"that the gravestones had been defaced,
"search was made for the offenders, and a
"proclamation issued forbidding people to
"go there; but no explicit evidence as to
"who committed the desecration this year
"has been brought before me.

"I take the liberty to remark, how-
"ever, that the gentry and people of China
"usually appoint custodians to watch their
"burial-grounds, so that if evil persons and
"vagabonds injure them, some clue can be
"obtained of the offenders, or they can be seized
"on the spot and handed over to the mag-
"istrates for examination and punishment.

"But

"But this American burial-ground lies re-
"mote from dwellings in a wild spot, and has
"been left unprotected by the missionaries;
"so that, although the gravestones have been
"repeatedly defaced, and they have complained
"of the injury, it has been no easy matter
"to arrest the offenders. As this affair is
"one that concerns the people of both -
"nations, I have not presumed to intrude
"my opinion as to the best mode of pro-
"tecting the place."

In regard to this business, I
(the Intendant) may observe that in China
custodians, usually appointed to look after
burial-grounds, whether lying near or re-
mote from dwellings, lest they are inju-
red by lawless people. If it is situated far
away among the hills, like this one be-
longing to the American missionaries,
it is still more desirable to have a watch-
man placed over it; and then, if damage
be done, he can instantly seize the offen-
ders and carry them before the magis-
trate for punishment.

I accordingly inform you, Sir,
of

of these circumstances, and beg you to
urge the missionaries at once to engage
a trustworthy person to take charge of
their cemetery; so that if the stones should
again be injured, he can instantly hand
over the guilty persons for punishment.

To E. J. Sanford Esq
U. S. Consul

November 23^d 1865.

Dispatch N° 30
Inclosure B.

U. S. Consulate, Chifu, Nov. 25, 1865

I have the honor to inform you that on the 21st inst., I received a visit from Rev. C. R. Mills, who told me that he had just received a letter from Rev. C. W. Mateer, stating that the Chinese had again desecrated the American cemetery at Tangchau, entirely ruining the stone which was placed at the head of Mrs. D's grave (one of fine American marble) and those placed on the graves of Mr. G's children; and requesting him (Mr. Mills) to lay the case before the consul. I informed him that Mr. Mateer's deposition and his own, would be necessary regarding the previous occasions when the cemetery was desecrated; but that I would see the Intendant upon the subject.

According to arrangement, I visited that official on the 23rd; he requested me to furnish him with an official statement. When I remarked that the perpetrators must be arrested and dealt with according to law, and that an indemnity of 100 taels was demanded; he stated that the people of Tangchau fu were very

S Wells Williams Esq

very bad, and as he was so far from them, he did not know how it would end. He added, - that the Americans ought to come to Yantai to reside, as the treaty specified open ports. I urged their right to reside at the city of Tangchau, and that I should insist upon it. I called his attention to Arts. XI and XII of the treaty, and he admitted that it was his duty to arrest and punish the offenders.

I have stated the various outrages committed on the tombstones to the Intendant, from the first. I fear, however, from his manner, and his unwillingness to have foreigners reside at Tangchau, that he will act in a very dilatory manner. I shall exercise patience

I am very respectfully
Your Obt. Servant

(Signed) E P Sanford

U. S. Consul.

Legation of the United States.

Peking. March 21. 1866

Sir,

I have to acknowledge your dispatches N^{os} 4, 5 and 6, with their inclosures, relating to the desecration of a cemetery at Sing-chau, wherein were buried the bodies of several American missionaries and their children, by breaking the stones and destroying the trees at various times during the last three years; together with your efforts to obtain — compensation and protection

I have carefully read these papers, for, so far as I know, it is the first instance in China of persistent injuries done to foreign graves, and while I do not think that the district magistrate exerted himself when informed of the outrages as he should have done; still I do not think that the spirit or letter of the treaty will bear you out, in demanding 150 taels indemnity for the injury from the authorities, except as they can get it from the offenders. It would be right to call upon the authorities to defend a cemetery if it was threatened by

a

E. T. Sanford Esq.

a mob; and if there is any clue to the offenders, demand that they be punished.

The owners of a cemetery are, however, expected to take measures to protect it; and in all parts of China, the natives do much to guard their dead. The foreign burial-grounds at the ports are usually walled in, and custodians appointed; but so far as I can learn, the missionaries have taken no measures at Tängchau to inclose their ground, which lies exposed to depredations, being situated at a distance from dwellings. Mr Crawford speaks of the dislike to all foreigners of the people of Tängchau, and they would seize such an opportunity to show their malice without risk of detection - mutilating gravestones being one of the ways in which one Chinese irritates another.

I cannot call upon the authorities to maintain a guard over this graveyard; and I see no other way for its protection than for the missionaries to take some measures to secure it, by appointing a custodian, or otherwise as they see best.

Your action in urging the local
authorities

authorities to do what they can to arrest the aggressors and punish them, is very proper; — and I hope your efforts will lead them to act vigorously, and to understand that a graveyard is a place held sacred by foreigners as well as natives.

I am, Sir,

Your Obedient Servant
J. M. Williams

ack'd
N^o 172
N^o 31.
RECEIVED,

Dept. of State,

JUL 23 1866

Legation of the United States,
Peking, May 4, 1866

Sir,

I have the honor to acknowledge your dispatches N^{os} 13 to 22 inclusive, of which N^{os} 16 and 17 refer to measures taken by the President to restore civil authority in several of the Southern States, and recognize them as members of the Union. It is a cause for devout thankfulness that the ravages of the civil war are in such a fair way to be healed in those states, and its discords harmonized throughout their entire community.

Referring to my dispatch of Jan. 15th (N^o 21), I have now the honor to inform you that in consequence of the resignation of A. P. Harper Jr., the Chinese Interpreter to the Canton Consulate

Hon. W. H. Seward

Secretary of State

Consulate, Mr. Andrew P. Harper Senior
was appointed to the post by the U.
S. Consul on the 1st of April 1865,
and I have approved of the same,
pending instructions from the De-
partment. The delay in doing so
has arisen from the miscarriage
of Mr. Perry's dispatch on its way to
Peking

I have the honor to be,
Sir,

Your Obedient Servant
E. M. Williams

Ans^d 7th Aug

Mr. Bato.

No 32
RECEIVED,

pt. of State,

JUL 31 1866

Legation of the United States,
Peking, May 12, 1866

Sir,

I have the honor to transmit to you copies of a correspondence (Inclosures A, B, C, D) with the U. S. consul-general at Shanghai and the General Chamber of Commerce, relating to the right of foreigners by treaty to carry their steamers thro' the internal waters of China, which I respectfully commend to your perusal. The subject has been fully discussed among the Ministers, all of whom take the same view as to the intention of the treaties. The provincial authorities in China, by their loose administration of the laws, often open the door to many irregularities, which are afterwards, as

Treaties with China give no right to foreign steamers to navigate inland waters.
Incl^s A, B, C, D.

Hon. William H. Seward,
Secretary of State.

as in this instance, quoted as precedents. I have no fear, however, but that the Chinese Government and people will adopt our improvements as rapidly as is safe for them; the difficulty is to carry them on intelligently, and not force what is good on those not yet fitted for it.

Chinese
desire to
charter
steamers to go
against
pirates.
Inc. E

In this connection, the circular note, lately received from Prince Kung (Inclosure E) respecting chartering foreign steamers to act against pirates, will interest you. Now that the indemnities due to the British and French by the Conventions of 1860 are paid up, the Chinese authorities will be better able to do something to suppress the depredations of these miscreants, whose atrocities are so fully shown in the minute of Mr. Vice Consul Jones of Amoy sent to you the 16th of March last.

I have also furnished Rear-
Admiral

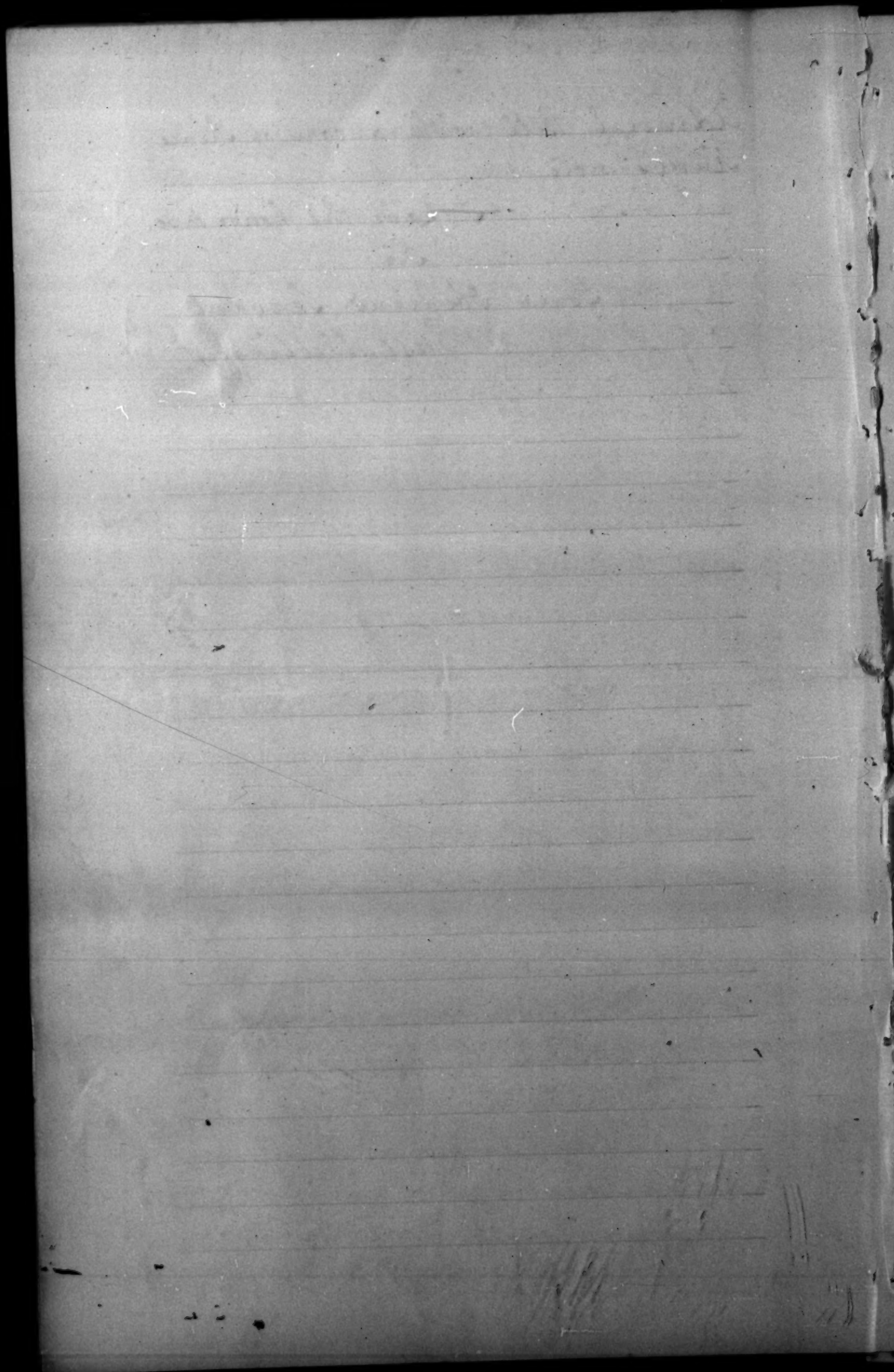
Admiral Bell with a copy of Prince
Kung's note.

I have the honor to be,

Sir,

Your Obedient Servant

J. M. Williams



U. S. Consulate General for China,
Shanghai 26th April, 1866

Dr. S. Wells Williams,
United States chargé d'affaires,
Peking

Sir:

I transmit herewith a copy of a letter with inclosure, lately received by me from the Chairman of the Chamber of Commerce at this port touching the navigation of the interior waters of the Empire by small steamers.

I understand that an authoritative opinion was expressed by Sir Frederic Bruce, to the effect that, foreign armed vessels could not be taken into the interior as of right, under the Treaty, and upon this point I have nothing to offer.

Upon another point however, I may be allowed to express an opinion, and in this direction

I feel

I feel the ability to speak with a degree of authority, to wit: I believe, that regulations may be made under which small steamers may be used in the interior without danger to the Imperial Government, and yet to the great advantage of foreign, and indeed, of native interests.

If it shall appear to you desirable, I will undertake, in conjunction with the local authorities, to draw up such a code of regulations.

I have the honor to be
Sir

Your obedient servant
Geo. F. Seward
Consul General

Shanghai General Chamber of Commerce.
Shanghai April 11th 1866

Sir,

I have the honor to enclose to you a copy of a letter addressed to the Chamber of Commerce by a number of the mercantile firms of Shanghai, on the subject of the prohibition that has, during the past year, been placed by the provincial authorities upon the use of small steamers for the purpose of carrying on trade with the interior of this province.

The letter fully sets forth the losses sustained, and the wrong which, in the opinion of the signers has been suffered by them in consequence of this prohibition.

The Committee are decidedly of opinion that the plain letter of the IX, XIV, and XXVIII articles of the British Treaty affords the strongest argument against the
legality

legality of the prohibition and that any discussion on the part of the Chinese Authorities as to the ^{the} meaning and interpretation of these articles, so far as they relate to the matter under notice, should now be impossible, for the reason that the Chinese authorities have already accepted the plain and manifest meaning which is herein claimed, in having authorized the use of small steamers for purposes of inland traffic for a period of several years.

The object of the present letter is to solicit your favorable representation of this matter to the United States Minister at Peking and to request that you will point out to him the urgent necessity for prompt action in order that the matter may be decided if possible, and the decision known here before the middle of May when preparations for the new silk reeling commence.

I am Sir, your obedient servant
(Signed) George Tyson

Vice Chairman

Copy

Shanghai 2 April 1866

Sir

The question of the legality of using small steamers for proceeding into the interior of this district has we believe been several times informally brought to the notice of the Consuls at this port, but thus far the matter has received no satisfactory solution and altho those interested have patiently waited for over a year, they have not learned that the foreign Ministers at Peking have come to any decision on the subject— We therefore beg that some action may be taken by the Chamber of Commerce in the matter.

We the owners and agents of these small steamers are suffering much loss in consequence of the Chinese Authorities having taken the initiative in

George Tyson Esq

Vice Chairman, Shanghai General
Chamber of Commerce

in February 1865 and positively forbidden to allow our boats to proceed as before into the interior. This we strongly maintain is in direct violation of art. IX of the last British Treaty with China. — The small steamers were ordered in England on the faith of this clause and so long as it suited their convenience the Chinese Authorities permitted them to ply to all parts of the surrounding country. Thus during the rebellion the trade in Silk & Cotton with the disturbed districts was in large measure carried on by means of these steamers which conveyed treasure for the purchase of produce that could not otherwise be safely sent. Soon after the country was pacified however the Chinese Authorities suddenly and without we believe first consulting any of the representatives of Foreign nations declared that no more steamers should proceed into the interior, the only reason assigned being that arms might be conveyed, and further that these steamers would injure the native carrying trade. — Heavy bonds were offered to guard against the first contingency but declined.

The present position of affairs therefore is as follows. — The steamers are lying at anchor

anchor perfectly useless (being specially built for the inland trade they are unfit to put to sea) and not only can they earn nothing for the owners, but the expense incurred by keeping them in order, as also the loss by depreciation and interest amount to from \$1000 to \$3000 per boat per annum.

The real reason of the prohibition on the part of the Chinese Authorities seems to be that they are anxious to purchase the steamers for their own purposes but having the matter entirely in their own hands the offers now rarely exceed from one fourth to one third of the prime cost of the boats. Several sales have been made at this ratio to the authorities by parties who despair of the matter being settled on a fair and equitable basis.

The signers of this letter are those who still have their small steamers on hand and they desire earnestly to appeal through the Chamber of Commerce to all the Foreign Ministers at Peking to insist on the Treaties being adhered to and justice being done.

With the exception of the difference in the motive power, these steamers stand in precisely the same position as the "house boats" which for the past fifteen years have conveyed Europeans travelling for business or pleasure into the surrounding country and
are

are still used in the same way. —

The steamers are not registered and are worked by a Chinese crew, with at most one or two Europeans on board and the right to travel in boats being granted, it seems preposterous to insist that the Treaty must be interpreted to mean that only craft propelled by sails or oars shall be used to the exclusion of those worked by steam.

We are

Sir

Your obedient servants

(Signed) Bower, Hambury & Co

(") Jardine Matheson & Co

(") Wm Pustan & Co

(") Trautmann & Co

(") Dan Partridge

(") Augustine Heard & Co

(") Russell & Co

Legation of the United States,
Peking, May 10. 1866

Sir,

I beg to acknowledge the receipt of your dispatch N^o. 48 of the 26th ult., inclosing two communications from and to George Tyson, Vice-Chairman of the Shanghai General Chamber of Commerce, respecting the legality of foreign steamers proceeding into the interior waters of China, and urging the permission accorded to them in the vicinity of Shanghai as a proof in favor of the practice.

This question, it appears, has attained its present importance through the implied consent of the provincial authorities of Kiangsu for such vessels to go into the silk districts during the rebellion in order to give greater protection
to

To George F. Seward, Esq.
U. S. Consul General

to lawful trade. Relying on a continuance of this permission, these steamers were built for this business, but are now rendered comparatively useless by its withdrawal, which act is regarded as being in "direct violation of Art. IX. of the British Treaty," and also indirectly contravening Arts. XIV. and XXVIII.

I need hardly remark how much the interpretation of these articles is affected by the circumstances of the writers, and by the previous non-prohibition of the native authorities, when they were struggling for existence against their rebellious subjects, which brought about the present state of things. But the acts of officials in any country under such circumstances not being usually interpreted as they are in times of peace, it seems to me only just to the Chinese Government that the interpretation of this article should not be founded on the proceedings of Governor Li, when he availed himself

himself of every means to put down the rebels.

The whole tenor of Art. IX. limits traveling in the interior of China by such native agencies and appliances as are obtainable on the spot; and the two expressions, "hiring persons" and "hiring vessels" must be understood by this intention, and be held to mean native coolies and cartmen and boats.

I can confirm the opinion of Sir Frederick Bruce referred to by you, as being that which was the understanding when the treaty was made.

To alledge that these expressions can include a foreign steamer and her foreign captain and engineer, even if the crew are natives, involves an interpretation contrary to Art. XLVII. which limits the ports of trade for British vessels to those previously mentioned.

The writers of these letters would not, probably, maintain that because these steamers are not registered,

tered, therefore they require no protection; and their argument that they are "houseboats" with a different motive power, and should be recognized under that class, begs the whole question. They are built abroad, are officered by foreigners, and carry foreign flags, which places them on the same footing as the vessels intended by Art. XLVII. to trade only at open ports. I cannot therefore admit the inference that permission given to travel in the interior by Art. IX. involves the use of all or any vessels that the traveler pleases; much less can I assent to the remark that the connivance or consent of the Chinese local authorities during the past few years, precludes them from all discussion as to the true meaning of this article.

Moreover, the permission for foreigners to carry their steamers into the interior waters of China, would

would involve most serious consequences to the native authorities, and be almost impossible to restrain when once initiated. The experience of the last few years has proved how much encouragement unscrupulous foreigners can and will give to seditious natives; and such illegal proceedings would be extended from the coast throughout the provinces.

On the other hand, the favor shown by the Chinese authorities themselves to the plan of buying these steamers is a fact full of encouragement as to the navigation of the inland waters, and the adoption of the same conveniences of transit and security of freight which the writers of these letters wish to bring about.

If no Western Power allows foreign-owned and foreign-manned vessels to navigate their inland streams at pleasure, even when the rights of

ex.

ex-territoriality do not exist to prevent the local authorities summarily punishing misdeeds; how much more should the weakness of Chinese magistrates not be put to this ^{strain}, and they be forced to adopt a practice fraught to themselves, and foreigners too, with the greatest hazards, merely to save a few merchants on the seaboard from suffering loss on their steamers.

Though Mr. Tyson's letter seems to intend to limit the use of steamers to Kiangsu province, the principle would, of course, extend this mode of navigation by foreigners to all parts; but I think he will admit, that if the Chinese can develop it themselves, though perhaps more slowly, the advantages will be greater.

I am, Respectfully
Your Obedient Servant,
J. M. Williams

April 13. 1866

Prince Kung, chief Secretary of State for Foreign Affairs, herewith makes a communication.

Owing to the recent unprecedented increase of pirates along the coasts, engaged in plundering and kidnapping, it has come to pass that unscrupulous smugglers at the various ports have gone so far as to seize our vessels and injure their crews in their resistance to lawful authority, so that it has become imperatively necessary to devise some mode of destroying and capturing them. In order to protect lawful traders and prevent this constant injury to the revenue, it will be necessary to employ steam-vessels to extirpate the pirates and seize the smugglers. But as it is not easy at once to buy steamers to carry this into effect, orders have been sent to the governor-generals and governors of the

the

the maritime provinces, and the two superintendents of commerce, to make inquiries as to the terms on which steamers can be bought, but rather to charter immediately such steamers as are likely to prove suitable for this purpose.

If therefore these high provincial officers should wish to charter vessels from American merchants for these objects, it seems to me that your Excellency can have no objection to their doing so; and I now request that you will instruct the various United States' consuls to inform American merchants, that they are at liberty to enter into contracts with the officials for this purpose. When the steamers are chartered, the terms will be clearly defined; and on being reported to the Foreign Office by them, shall then be made known to you.

As soon as funds can be provided for the purchase of steam ships,

ships, the terms can also be arranged;
but as this scheme of chartering them,
promises many advantages to both
natives and foreigners, I am con-
fident that you will give it your
full approbation.

To H. Ex^t. S. Wells William,
U. S. Charge d'Affaires

Tungchi, 5th year, 2nd moon, 28th day.

Ans^d by 35- M. P. M.

No. 33. - Four inclosures

RECEIVED,
Dept. of State,
AUG 9 1866

Legation of the United States,
Peking, May 21. 1866.

Sir,

I have the honor to send
you a correspondence with Mr. Knight at
Niuchwang, consisting of his letter to Hao, ^{Letters from} ^{Consul at} Niuchwang
the district magistrate (Inclosure A.), - Inc. A
demanding redress for attacks made
upon him by armed ruffians, his report
to the Legation (Inc. B.), requesting that Inc. B.
arms be sent to him, with my reply
(Inc. C), and respectfully commend them Inc. C.
to your perusal.

The part of China where
Niuchwang lies has long been infested ^{Banditti}
with bands of mounted robbers, whose ⁱⁿ ^{Manchuria}
depredations have become so serious
as to render nugatory all law, and
cause the Imperial family and Man-
chu nobility some anxiety as to their
sway

To Hon. William H. Seward
Secretary of State

sway over their paternal inheritance. The population has become more assimilated to other parts of Northern China by the immigration of Chinese during many years past, whose superior industry and thrift over the native Manchus give it much of its prosperity. Their influence is shown, too, in the fact that their language has almost supplanted the Manchu language as the common speech. The government of this wide region is still administered on a military basis, but the Chinese have little part in it and hold few offices. This would cause them little regret if they could be protected; but, on the contrary, life and property are both of light account, and many of the immigrants are almost forced to join the robbers.

Wansiang
goes to
repress them.

The cabinet minister Wansiang went to the Capital Mukten last autumn to examine the state of affairs. Three or four thousand foreign drilled troops have been sent to aid him, and it is now reported that they have at last

last obtained a victory, killing 700 or more of the banditti. The swordracks are of the same class, and the plan referred to by Mr. Knight, of employing such brigands to aid in keeping the peace, is a common device with craven officials all over China; and does much to exasperate, impoverish and demoralize their subjects, and egg them on to rebellion. The check on this policy is found in the literati and landed gentry, whose united influence countenances and aids the industrious classes to join in plans to resist violence; but the evil is often beyond their powers, and anarchy overrides the whole region, until stronger force can be brought from abroad, as in this instance, to suppress the lawless.

It is not surprising that fo-^{Foreigners endangered,} reigners should be sometimes involved in these internal troubles; and if we expect that the Chinese authorities at such times will always wish or dare to protect us, it is likely that we shall be

be disappointed. They readily assent - that the treaties require them to afford us all the protection in their power, but as individuals, they may have their own opinion about the expediency or possibility of doing much for us against their countrymen; or, as at Niuchwang, sometimes may have no reliable or adequate force to help them.

During the past winter, the community in that port have drilled themselves under the guidance of the British consul, and the knowledge that they were preparing for an emergency has prevented, it is not unlikely, an attack. But the temptation of treasure and property of various kinds, guarded by only a few persons, may some day prove too strong, and the whole foreign settlement be swept away. The probability of such a catastrophe at present is not imminent; but the fact that the local authorities are not

not always able to protect our citizens,
and our men-of-war may not be at hand
at the time, forms my present argu-
ment for making the inquiry of the ^{Inquire} Department, whether drafts made ^{whether}
upon it for arms and ammunition ^{arms can}
to defend them in such cases, would ^{be bought}
be honored. If the Legation has con- ^{by the Le-}
trol of the outlay, it will not be ex- ^{gation}
cessive; and if the weapons afterwards
should not be needed, they can be sold.
Americans have heretofore been more
indebted for their safety in China to
the measures taken by the English for
their defense, than is good policy.

It should be borne in mind, ^{Actual}
too, that while the treaties place us ^{working}
beyond the jurisdiction of Chinese laws, ^{of the}
and we do nothing for the support of ^{treaties}
the government, their stipulations
require that Government to afford us
full protection against injury, both
from seditious natives and unprinci-
pled officials. The first treaties were
extorted at the cannon's mouth, and
may

may be distasteful not only to the officers who negotiated them; but - what is more important - so far beyond the ideas of the people at large, that their rulers become discouraged in trying to carry them out. The treaties thus become like great charters of civilization and Christianity, and we have need to exercise forbearance and patience while educating a pagan and ignorant people up to their requirements. Yet the principle of exterritoriality contained in them, like the egg of the ichneumon-fly in a caterpillar, is likely to destroy the autonomy of this Government, unless its development is sedulously watched. Meanwhile, the strongest party often interprets treaty stipulations in its own favor when a doubt arises; and natives are always too ready to side with the strongest when advantageous to themselves.

It is the earnest desire of all foreign powers, I do not doubt, and
of

of their representatives in China, to strengthen the Emperor's government in its authority, and encourage the people to look to their own rulers for their safety; but the latter have had too long experience of wrong and oppression, or are too ready to cheat and oppose them, to look to their rulers if foreigners can help them. Neither can the inertness and ignorance of the rulers be removed until a new set arises, a new generation which shall have learned new ideas. It is well for the Chinese people, and indeed all Asiatics, that they have models before them in Western ^{lands} of the workings of free governments, and have not to work out the problems that Europeans have solved since 1500. However, if the workings of the treaties bring benefits with them, which on the whole is the case, the future of China is still one of promise; though the urgency of foreigners to hasten the adoption of railroads, telegraphs, and other improvements, before

before the people can appreciate their uses, or the rulers provide for the details, may overdo the power of native institutions.

I have been led into these remarks in order to explain at length the position of Mr Knight in asking for aid to defend himself and American interests at Niuchwang, as there is a propriety in it which will, I hope, appear to you; and the same exigency may at any time occur at Chifu, Taiwan, or elsewhere. I have reason for believing that the "Wachusett" is at Niuchwang (or Yingtzi, the port) by this time, so that there is no present danger.

Inclosure
D.

The services of Mr Davenport in aiding Mr. Knight in his interviews with the authorities are acknowledged in my note to Sir R. Alcock (Inc. D.)

I have the honor to be,

Sir,

Your Obedient Servant,
G. M. Williams

Consulate of the United States,
Niuchwang, 15th April, 1866

Sir,

I have the honor to hand you herewith copies in English and Chinese of my dispatch to Hao, the district magistrate of Haiching, dated the 8th inst.

The facts therein disclosed are nearly sufficient to give you a complete idea of two assaults, as murderous in character as any I remember, made upon myself and a number of Americans who were with me, by a band of armed men called "sword-racks". I doubt not you will observe that my dispatch to Hao is of the most temperate character, giving a truer statement of the occurrences than he could otherwise receive, and calling upon him to arrest and punish my assailants, as is customary the world over, but particularly in this country where the law is very plain. Such a course I hoped would be sufficient

J. Mills Williams, Esq:

U. S. Charge d'Affaires

18
ficient to satisfy all concerned, that the notorious bandit Chin, his two brothers and others of the band, would be arrested, and that I might have the pleasure of advising you of the facts with a satisfactory conclusion. I regret to say now that such is not the case, but on the contrary I have not received any reply to my dispatch, or learned the arrest of the ruffians.

On referring to my dispatch of the 5th of June 1862, you will see mention made of the existence of bands of armed rowdies, and thought it scarcely probable that they would attack foreigners or those in their employ. A longer residence here, however, has given me further information which confirms much that has been written by Mr. Meadows, H. B. M. Consul, - the main facts of which are that these organizations not only do permanently exist, but from the imbecility of the officials have so increased in numbers and power, that the latter not only conciliate them with buttons and bribes, but to this day depend upon them for
the

the defense of the port!

I have very little to add to the facts given Hoo. Reflection, and a better acquaintance with the spot where the first assault took place, seems to render the escape of myself and companions with life, exceedingly providential. Since then, I have been often besought by leading Chinese merchants to have the man Chin and his associates caught and punished; otherwise, they say living here will be unbearable. It is now the custom of the ruffians to walk into the hong, inquire how much business has been done, and then exact a certain percentage. They also endeavor to control and extort from all the coolies of the place.

One way to remedy this state of things and avoid incalculable trouble, would be the appointment of an Intendant of Circuit, with 300 or 500 drilled troops under him, so as to place him beyond the necessity of relying on these sword-racks, either for his personal protection, or for the defense of the port.

Altho'

Although this province has long been infested with banditti, who have plundered towns and robbed trains of carts, until their numbers and audacity have called for troops from Peking to guard the capital Mukten. I cannot attach any political character to these swordracks.

I learn to-day that Hao has gone to Hai-ching, about 25 miles distant; and sent back word that his grandmother having suddenly died, he will be obliged to resign office for a time. This seems to be an attempt to shirk his duty, and I trust, Sir, that you will agree with me that an official who neglects to arrest persons guilty of so gross an attack on a consul, deserves to be degraded and punished. Under such circumstances I must confess that my position is rather an unsatisfactory one. Four of the persons who accompanied me are yet suffering from wounds and unable to pursue their business as pilots.

In

24
In all my interviews with the authorities, my colleagues being present on two occasions, I have carefully abstained from threats, but assured them of my confidence that the matter would receive the serious attention of their Government at Peking, if they did not give the redress they so readily promised. I shall again address the local magistrates, and demand the arrest and punishment of my assailants, the brothers Chin and their confederates; also urging that an indemnity of 2000 taels be paid to my wounded countrymen, who are under surgical expenses, and losing their time at the most important period to them of the whole year. I am glad to say that my own wounds in the left leg are quite healed; but my personal suffering is of less importance compared with the insult offered me while pursuing my official duties.

My own interpreter not having
returned

returned from the south, I am very much indebted, with the kind permission of Mr. Meadows, to Mr. Arthur Davenport, assistant to H. B. M. Consulate, for his invaluable aid as interpreter and translator, and shall feel grateful if you think proper to render him an acknowledgment.

I beg that you will use your influence towards inducing Admiral Bell to send the "Wachusett" or "Wyoming" to this port at the earliest moment. Moreover, as this port is so isolated, the province much disturbed, and American residents entirely without ordinary protection, I would suggest that twenty rifles with revolvers and ammunition, be provided me for the protection of American lives and interests.

Rumors are to-day current that a portion of the banditti, six hundred in number, who confronted Wänsiang at Mukten, are roaming over the country, and menacing the walled city of Kaichow.

Kai-chow. It is said that they intend to come here, and hundreds of frightened country people are flocking into the place; while the native and southern Chinese are hurriedly sending sycee silver, opium, general valuable cargo, &c., on board ship. I shall act in concert with my colleagues towards our mutual defense, and even if the robbers approach the place, I hope that they will not attack the foreign settlement.

Hoping to receive your immediate reply and advice on this matter.

I have the honor to be,

Sir

Your Obedient Servant,

Francis P. Knight,

U. S. Vice Consul.

[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]

Consulate of the United States,
Ninchwang, 8th April 1866.

To Hoo,

District Magistrate of Kai-chow.

Sir,

Eight days having elapsed since the two murderous assaults were made upon myself and countrymen by a band of armed rowdies living in this town, without arresting any of the parties implicated, I am compelled to state to you the full particulars, and hope to convince you of the gravity of the case, and prompt you to a course of justice, which would have prevented the escape of the notorious Chin and his confederates.

On the morning of 31st of March, on inquiring for my house-coolie, who has been in my employ over four years, I was told by the other servants that he had been carried off by some sword-racks to their house in the town. As none of them could explain this act, I determined to visit the house of these men,

and

and ascertain why they were interested in so insignificant a member of my household, at the same time strongly doubting the reason given for his absence. I thought it best, under the novel circumstances, to be accompanied by three of my countrymen, one of whom could interpret, and two servants to show the house.

After walking some distance in the direction of a temple called Iao-yé-miao, - I met my coolie coming towards me. - On inquiring the reason of his absence, his replies were so restrained and unsatisfactory, that I compelled him to go on before and show the house where he said he had been forcibly carried. As we walked on, still unsuspecting of danger, and had scarcely turned a corner, out rushed a body of men from two gateways fronting us, armed with swords, knives, and matchlocks, and in an instant several guns were fired in our faces at a distance of about sixty feet. There had not been the slightest provocation for this cowardly, murderous act; and the fire wounded two of my countrymen,

trymen, (one so severely that his life was for a time despaired of) one of my servants and myself. Under these circumstances, I at once turned with my companions toward my house, intending to lay the matter before the authorities, but we were pursued by the sword-racks to the river side, even while dragging along one of my wounded countrymen.

On reaching my house, I addressed Ching, the Collector of Customs, who, I understood, had received extra-judicial powers, relating the assault and demanding the immediate arrest of all implicated. But his reply, viewing the exigencies of the case, was deemed so unsatisfactory, that I decided to visit you, Sir, and in person explain all the circumstances that would facilitate your expected action. After the occurrences of the morning, and amid rumors that the swordracks were gathering in the town, it was deemed undvisable for me to go alone, or to take my servants; and I was therefore accompanied by some of my

my countrymen who were armed, but instructed to proceed in the most quiet manner. At my request, the British Consul permitted his interpreter Mr. Davenport to accompany and interpret for me. On reaching your office, I found you and E. commandant of the Volunteers of the town, awaiting me; but I must confess, that my interview was far from satisfactory. You professed to be ignorant of the name of the leader of this gang of swordracks, and of the location of the house, whereas the assault in the morning had been known to thousands in the town for hours, as well as the perpetrators and their houses. However, on leaving, you repeatedly assured me that I might let the matter rest a space, as you would at once seize the men and deal with them. I little thought that one in your responsible position would deceive me, and instead of acting promptly and honestly, allow these would-be assassins to quietly escape with impunity.

On

On my return, seeing my way down had been so peaceful, I decided to go by a different street, hoping to meet with a favorite dog that was wounded in the morning. After proceeding some distance, we noticed a man, armed with a matchlock, following us on horseback, whom I recognized as one of the band who had pursued me in the morning; but perceiving himself watched he disappeared down a lane. Fearing some treachery, I determined to retrace my steps, and continue homewards on a parallel street in the direction this man had taken.

We had not gone far, when we saw a man on the top of a house aiming a matchlock at us, and recognized the locality of the morning assault. We could not retreat, and on attempting to go on, were met with a volley from several matchlocks pointed down a cross street, and hemming us in unless we ran through the fire. This we did, two only of our party being wounded in the legs. Having promised

you,

you, Sir, not to take matters into my own hands, but rather to restrain my countrymen; my course now I regarded as simply one of self-defense. The swordracks were now in the same street with us, and again fired; we returned their fire, and its results enabled us to continue our course without further molestation.

On the next day, April 1st you called on me, and met the British and Prussian consuls. It was with some difficulty then, that I learned you had really allowed the entire gang of swordracks to escape! You however finally consented to the destruction of their houses, arranging that I should meet you for such a purpose on the following noon. I met you there, and the houses were destroyed, although I feel that I was very lenient in not insisting on the destruction of a third one, connected in some way with the gang.

The above is a faithful and exhaustive narrative of the outrageous assaults and of what transpired since; and I hope the destruction of the
buildings

buildings will have great moral effect on these lawless men and the thousands of bystanders. You and Ching both admitted, in the presence of my colleagues, that there was not the slightest provocation offered these swordsmen. You are aware too, that the 11th article of the American treaty provides that "Arrests in order to trial may be made by either the Chinese or the United States' authorities;" so that, if I had gone with the intention of arresting these men who had carried off one of my people, it would have been lawful. The second assault was made when exercising my official functions in my official dress.

I therefore now call upon you to arrest the three brothers "Chin" and the other assailants at once; and request that you will inform me that I may take steps to identify them. It is my duty also to write to Peking complaining in the strongest manner of the inefficiency of C, whose duty as commandant of Volunteers requires him to preserve the peace of the place. It is
everywhere

everywhere known that the swordracks belong to the volunteers, whom he commands; that he was conversant with the particulars of the assault, and could have directed the arrest of the offenders.

His ineptness and inefficiency in this, the first affair where his services have been required by foreigners, notwithstanding his repeated promises and assurances of success, seem to point him out as the last man to fill a position of so much trust.

I have the honor to be
Your Obedient Servant,

Francis P. Knight

U. S. Vice Consul

U. S. Legation, Peking May 16, 1866

Sir,

I have to acknowledge your dispatch of the 13th ult. with its inclosures, giving the details of the attack made upon you on the 31st of March by parties of lawless men; and am happy to join with you in giving thanks to God for the preservation of the lives of yourself and all your company.

Admiral Bell had already informed me that he had sent the steamer "Wachusett" to Kiuchwang, where I suppose she has already arrived; and I hope that Capt. Townsend will be able to aid you, and the local authorities if need be, in securing better protection in future. It will be well to urge upon the latter the immediate settlement of this affair, rather than to expect much from their superiors here until they have more details.

Francis P. Knight Esq

U. S. Vice Consul

Kiuchwang

details. I have made known your version of the affair, which corrected theirs in several particulars. The destruction of the houses - whence the swordracks made their attack, under the eye of the magistrates, was a right step, and will serve as a warning.

In regard to your request for 20 revolvers and rifles to protect American lives and interests, all that I can do is to lay it before the State Department. I am in hopes that Capt. Townsend will be able to furnish you immediately with a few weapons, and ammunition for the present need, and to stay till there is a prospect of permanent security.

The officials here have intimated that a large quantity of fire-arms have been brought to Yingtzi by foreigners, who, they hint, are somewhat responsible for the evils now complained of. Can you give me any authentic information on this point?

I am, Sir,

Your Obedient Servant

J. M. Williams

Legation of the United States,
May 15. 1866

Sir,

I have been informed by
Mr. J. P. Knight, the United States -
Vice-Consul at the port of Nuchwang,
of the important aid given to him
by Mr. Arthur Davenport of H. B.
M.'s Consulate there, in interpreting
and translating while conducting
the official intercourse growing
out of the late disturbances in
that town.

I fully concur in Mr. -
Knight's view of the value of these
services, and shall be obliged to
your Excellency to convey to Mr. -
Davenport my sincere thanks

for

To His Exc^t Sir R. Alcock K.C.B.

H.B.M.'s Minister to China

Peking

for his valuable assistance so generously
rendered to Mr. Knight.

I avail myself of this opportunity,
Sir, to express the sentiments of high
respect with which I am

Your Obedient Servant,

J. M. Williams



No. 34.- Eight Inclosures of Vouchers.

RECEIVED,
Dept. of State,
AUG 24 1866

Wm
Legation of the United States,
Peking, May 24. 1866

Sir,

I have the honor to forward herewith the account of contingent expenses of this Legation for the year 1865, accompanied by the necessary vouchers, which I trust will be found correct.

Without troubling you with a repetition of the remarks made when sending the contingent accounts for previous years, I beg to present a comparative statement of the outlays made for postage, &c., during four years past.

| Postages Paid | 1862 | 1863 | 1864 | 1865 |
|------------------------------|----------|----------|---------|----------|
| Amount in London by J Miller | \$89.52 | \$102.91 | \$75.05 | \$159.55 |
| Do in Shanghai | 116.84 | 119.34 | 87.53 | 92.07 |
| Do for couriers at Tientsin | 85.50 | 206.40 | 262.63 | 162.00 |
| Totals | \$291.86 | 428.70 | 425.21 | 413.62 |
| Stationery | \$19.16 | 10.86 | 16.14 | 16.12 |
| Newspapers printed in China | 24.50 | 10.00 | ... | 52.00 |
| Loss by exchange on bill | 64.40 | 57.49 | 32.02 | 36.26 |

Hon W H Seward
Secretary of State

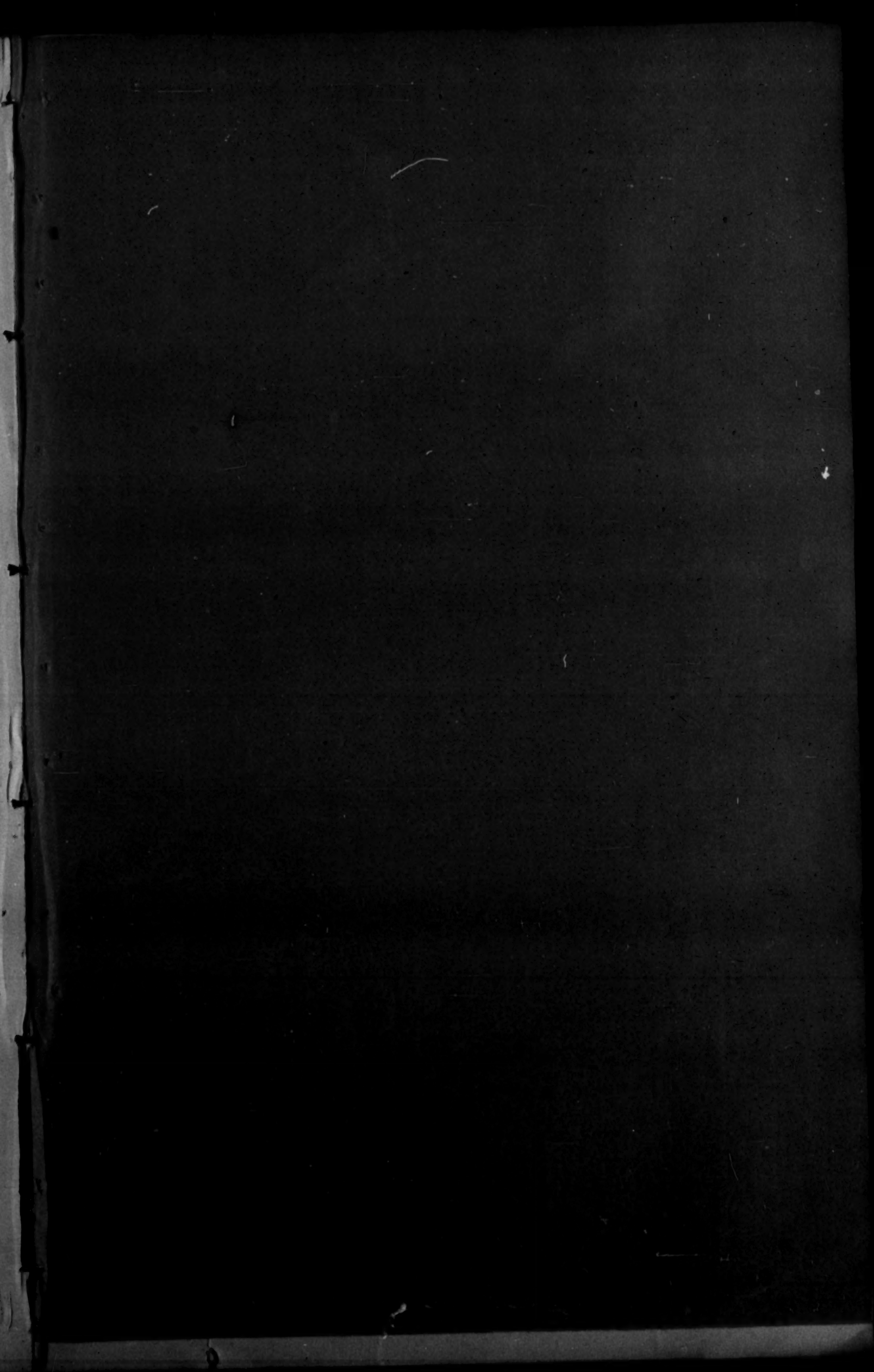
From

From this it is seen that four-fifths of our available funds are spent for postage, an item that cannot be checked like some others. Mr. Miller's account is for covers sent from the Department; and the rate of postage thro' the English mail is double what it was six years ago. The item for couriers from Tientsin and Chifu is required at present, for there is no native mail that can be depended on, and they are sent only with incoming mails. No other U. S. Legation is situated so far from the seacoast, and where so large a proportion of the contingent fund is required for couriers; besides which, the loss by exchange is greater than in most other capitals. If, however, the whole amount of \$500 could be drawn in China without suffering loss by exchange, the difference would provide for stationery, and perhaps binding.

I have the honor to be,
Sir,

Your obedient servant

C. Wells Williams



Rec 13. Sept.

No. 35. - Nine inclosures.

Mr. Sumner & Secy
will report to me
Sir, to the Legation of the United States,
Peking. June 12. 1866
ack. by No. 173.

Mr. Sumner

I have the honor to acknowledge the receipt of several dispatches Nos. 23 to 28 inclusive, from the Department. The first one, referring to measures to be undertaken in coöperation with the British Minister, by the naval forces of the United States and Great Britain, has been communicated to Sir R. Alcock. You will have seen, from Inc. 3. in my dispatch No. 32, that the Chinese Government is beginning to move in the matter; but there is a great want of small vessels suitable for chasing the pirates over shallow waters into their retreats, without which they frequently escape.

Measures
against
Pirates

Hon. William H. Seward
Secretary of State

Misuse
of U. S.
Flag on
Yangtze
River

I have now the honor to send you a correspondence relating to a case involving the improper use of the American flag on the Yangtze' kiang, — which presents several features illustrative of the practical working of the extraterritoriality laws under which we live. The correspondence, marked A

Inclousures
A....I.

to I., contains all the important papers, and I respectfully commend them to your perusal in limine, explanatory of a few remarks showing the bearing of the case.

Reasons
for
Dilatory
Action on
Cases

There are two disadvantages, it may be premised, connected with the discussion and settlement of such cases in this country, — one is, the difficulty of obtaining accurate information; — the other, the length of time consumed in corresponding with officials at the ports. It is now exactly ten — months since the junk was detained at Hankau, and I am only just now able to prepare the papers to send to you. Meanwhile, Mr White, the prin-

cipal

principal witness and person interested in it, has gone; and the evidence on both sides is very imperfect, as there has been no trial or examination. The necessity of obtaining minute information in order to rebut the misstatements of Chinese officials, who are apparently, never at a loss for facts to uphold their proceedings, is particularly important; and if months are spent in obtaining the facts of a case, the moral effects of a decision are weakened. It is not unlike the labor of Sisyphus to teach the native authorities a high regard for treaty stipulations, and their ignorance and disregard of precedents as to their working are alike discouraging.

In this instance, Mr. White seems to have had no idea that it was against the laws of his own country to furnish a flag to a Chinese boat under the plea of acting as an agent in chartering such boat from her native owners

for

for other native traders to carry native produce on the Great River. Nor does Mr. Salter seem to have been aware of the impropriety of the thing, when the case came before him, and that he could give no legal protection to the agent; while the present incumbent, Mr. Bridges, pleads time and custom in defense of the practice. And no doubt, in the circumstances, a good deal can be urged on their side.

It was this impression of the lawfulness of this system of "selling flags", as the Chinese term it, that I suppose led to the suppression of the fact in the first report to me (Inc. A. B.) that the junk was not really - American property, and that the fine was paid by the native owner thro' Mr. White. Not knowing these facts, I strongly urged the immediate repayment of the money, in the belief that there had been a flagrant violation of the treaty; though Mr. White's offer

offer to pay a fine of 100 taels to release the boat might have excited a doubt. I can only explain this ill-judged and arbitrary act of the Intendant, by supposing that the owners, having refused to pay the fee for his connivance, he determined to show that they were not beyond his reach; or, that the fine was exacted to revenge a private pique of him or his friends. He issued a notice to the tradesmen of Hankau sometime in December last, forbidding the use of foreign flags by native-owned boats, but I have not learned whether it has checked the business.

I think that the Intendant was practically right in his argument to Mr. Satter, that, as Mr. White had been selling the American flag, he had no claim for damages for what was in itself illegal; but, apparently out of mere willfulness, he took the worst possible way of upholding

upholding it, misquoted the treaty and River Regulations, and disregarded the official position of the consul, — when a candid statement of the case, or a reference to Peking, would have strengthened his position. He seems to have been alarmed at his own conduct, however, as it was not until he had received instructions from his superiors in December, that he issued his prohibition — meanwhile permitting the practice to go on.

This case shows how easily usages and malpractices more or less opposed to the treaties, can grow to be of almost equal authority, until — they are exposed and checked; and how both natives and foreigners quote the connivance or direliction of magistrates in extenuation of their acts. My dispatch N^o. 32, relating to steamers navigating the inner waters of China is ad rem; and a reference to Mr. Parker's published dispatches,

p.p.

pp. 681, 774, 778, 787, &c., will furnish further particulars respecting a similar misuse of the American flag ten years ago.

A short note has been received in reply to my last [Inc. I.], in which Prince Kung repeats the reasons stated in Inc. H. for not refunding the 400 taels; but I think the discussion has shown the members of the Foreign Office the evil effects of a course of conduct, such as the Lieutenant has exhibited, even in pursuing a right end. It might, a priori, be supposed that many conflicting views would arise between native and foreign authorities in China as to the limits of their jurisdiction; and that the former would be jealous of their position, formerly so unquestioned in the eyes of their own subjects; but on the whole, fewer disagreements have arisen, and all questions are discussed in

a better spirit than might have been
expected

I have the honor to be,

Sir,

Your Obedient Servant,

J. M. Williams

Consulate of the United States,

Hankau, 23^d October, 1865

Sir,

I was left in charge of the Consulate August 22^d, and it therefore devolves on me to lay before you the following inclosures, marked A...H,* which will give you the particulars and circumstances of a heavy fine imposed by the Customs upon W. H. E. White, an American merchant at this port in consequence of one of the crew of his junk having attempted to smuggle on board a small quantity of straw rope, the export and coast-trade duties on which would be less than half a tael.

I cannot find anything in the Treaties or River Regulations —
sanctioned

To S. Wells Williams, Esq
U. S. Chargé d'Affaires

*Of which only the first is contained in this series, the others being notes and affidavits, &c.

sanctioned by the Minister, which empowers the Intendant of Circuit, acting as superintendant of the foreign customs, to inflict such fine, or do more than confiscate the smuggled cargo; and should you have a similar view, I beg you will take measures for the recovery of the fine of 400 taels, which Mr. White paid under protest in order that he might be able to dispatch the junk for her destination.

I should have addressed you on the subject before, but have been waiting to obtain a promised translation from the Customs' interpreter of the tantai's reply to Mr. Salter, but have been obliged to put up with an inferior interpretation. Regarding the expressions in Mr. Salter's letter to which the Tantai makes objection in such strong language, I beg to say, you will be the best judge.

judge as to the correctness of the translation, and also as to the apparent discourtesy of the latter's remarks to the consul. If the translation of the latter dispatch is not correct, it arises from the unfortunate want of proper American consular officers at this port.

The proceedings of the tautai in this matter is in accordance with his usual highhanded measures.

I have the honor to be,
Sir

Very Respectfully

Your Obedient Servant,

[Signed] H. G. Bridges

Acting U. S. Vice Consul

Copy of Affidavit of H. E. White, at Hankau.

Personally appeared before me H. G. Bridges, acting U. S. Vice Consul for the port of Hankau, Mr. H. E. White, and having taken oath, said, that:-

On the 12th inst. I cleared from the office of Customs and U. S. Consulate at this port, the American chartered junk W. No. 258.

On the 13th (said junk having been detained in port by stress of weather, &c.) the Customs officer in charge of Hanyang branch of the Hankau customs discovered one of her crew attempting to smuggle on board of her 200 coils of straw rope, weighing about three piculs, and in value about 6500 copper cash. The Customs officer referred to above having reported the matter at the Hankau custom-house, a customs officer from there was immediately ordered to go and remain on board of the said junk.

Early on the morning of the 14th, I called on the Commissioner of Customs, and requested him to seize and confiscate the straw rope, and offered to deliver up the Chinese sailor who had attempted to smuggle the same on board of the said junk at any time when he thought proper to apply for him.

On the 15th, by order of the commissioner
of

of customs, the said junk was thoroughly searched, but no cargo in excess of the amount specified in her manifest was found on board of her.

On the 19th the commissioner of customs informed me that H. C. to Tautai (or Intendant) acting as Superintendent of Trade at this port considered, that in lieu of confiscating the junk and her cargo, he was acting leniently in fining the junk 500 taels. I told him that I did not admit that the Intendant was right in confiscating a vessel's cargo as a penalty for a transgression of the customs' regulations committed by one of her crew. He then wrote another dispatch, a translation of which was to be forwarded to the Intendant. His dispatch was read to me, and was to the effect, that, as the amount of rope which the Chinese sailor attempted to smuggle was small, and that as the Imperial revenue would have been defrauded of only about T. 0.2.5, he was of the opinion that the infliction of a fine of 100 taels would be quite sufficient.

On

On the 21st, the commissioner of customs informed me that he had received from the Intendant as Superintendant of Trade, another dispatch wherein he was instructed to enforce a fine of 400 taels in the case of the junk W N^o. 258, in lieu of confiscating the whole of her cargo, to which he considers himself entitled.

This fine I paid under protest, and the said junk left this port on the 22^d inst., after having suffered from a detention of eight days.

[Signed] Henry E White

Sworn and subscribed
to before me H. G. Bridges,
acting United States Vice
Consul for Hankau, this
24th day of August, 1865

[Signed] H. G. Bridges

U. S. Vice Consul.

5

Legation of the United States,
Peking, 27th Novem. 1865
To His Imperial Highness Prince Kung

Sir,

The United States Vice Consul at Hankau, has sent the following report to this Legation:-

"W. White, an American citizen,
"appeared at this consulate sometime in
"the month of August, and stated that
"Ching, the Intendant of Circuit, had seized
"and detained his native built boat, and
"fined him 400 taels in the most violent
"and unjust manner; but as the vessel
"was on the point of sailing, he had paid
"the money under protest, and came now
"to have the case justly tried.

"It appears that this native craft
"had already obtained her clearance,
"and was soon to leave, when one of
"the Chinese sailors smuggled a lot
"of grass-rope, worth about four taels,
"on board. The master of the boat him-
"self reported the affair to the custom-
"house,

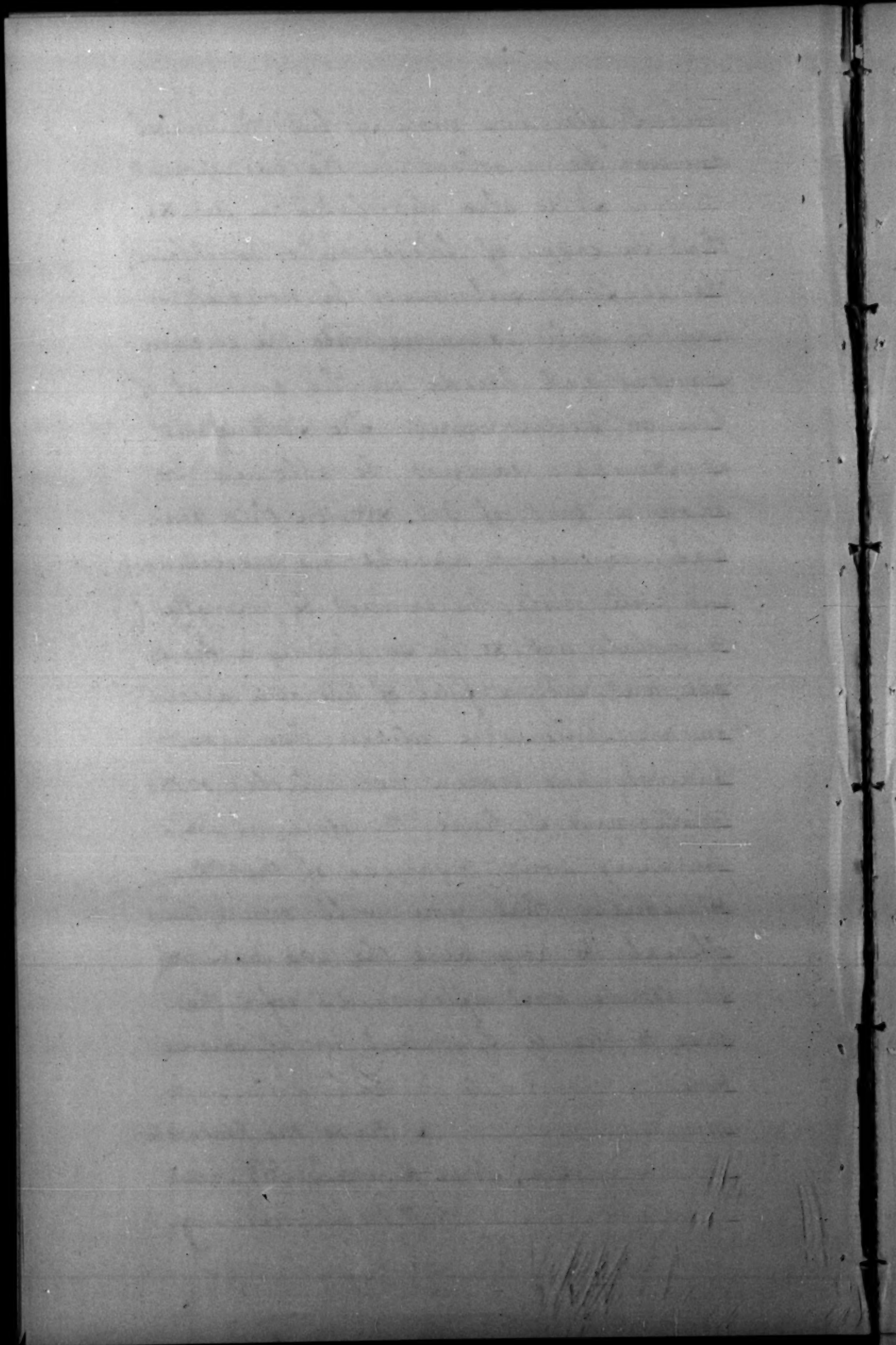
"house, and told the officers that this sailor's
"offense was a very trifling one, and he
"wished them to confiscate the goods. But
"on the contrary, to his surprise, the col-
"lector, without consulting the consul or
"regarding the circumstances, imposed a
"most exorbitant fine for the offense; -
"which he, however, paid under the most
"solemn protest. I desired that the
"case should be judged in an equi-
"table manner, but the Intendant has
"refused to listen to my proposal, and
"I therefore report it for your action."

From the above statement, it
is evident that the Intendant, in quot-
ing that portion of the XIVth article of
the American treaty, which refers to
confiscating vessels detected in smug-
gling without any protection from their
own authorities, has overlooked the point
that it refers to vessels entering an un-
opened port in China, and has nothing
to do with vessels in a legal port. In
the latter case, the goods alone can be
confiscated, and a fine imposed by the
consul

consul after due inquiry, but the vessel cannot be involved in the punishment.

It is also stipulated in Art. XI. that in cases of litigation or complaint, the U. S. consul must be notified, — and he will examine into the circumstances and decide on the amount of fine or punishment. The Intendant at Hankau cannot be allowed to quote a part of Art. XIV. in this partial manner to uphold his proceedings; and still more, he cannot be permitted to violate Art. XI. in so glaring a manner, and levy a fine of his own accord on an American citizen. He most plainly has broken two articles of the Treaty; and I have therefore, in informing your Highness of the case, to request that you will order this official to pay back the 400 taels to Mr White, and afterwards refer the case to the U. S. consul for adjudication.

I have the honor to be,
Sir, Your Highness Ob^t. Serv^t.
J. M. Williams



Prince Kung, chief Secretary of State for Foreign Affairs, herewith replies respecting the case of Mr. White of the Pau-ki hong, an American who had reported to the U. S. Consul that the Intendant of Circuit at Hankau had unjustly detained a native boat. Y. E. dispatch was received in November last, stating, that as this officer had fined Mr. White 400 taels in an arbitrary manner, and had perverted the meaning of Art. xiv. of the Treaty to uphold his proceedings and unjust exactions, you requested that he be directed to pay back the fine, and then refer the case to the U. S. Consul for adjudication. No delay was allowed in writing to the Superintendent of Commerce and the Governor-general of Hukwang to learn the facts of the case; and the following answer has been received from the former: -

"All the details of this case had been
"secretly inquired into, and it was ascertained
"that the cargo in this vessel really belonged
"to native merchants, for whom a man named
"Kau Wan-shun had bought a foreign flag. This
"person was cited to appear before the magis-
"trate, and affirmed that he had opened a

"shipping and brokerage office in Hankau.
"In July last, some merchants from Tung-
"chau, belonging to the firm Tsiun-mei, had
"sent their partner Yu Pu-ting to him to
"charter a vessel; he had hired the boat cal-
"led Man-kiang-hung, and when it came, fur-
"ther recommended that he should go to
"Mr. White's office and buy a foreign flag for
"the sum of 45 taels to put on her. The
"cargo was then passed thro' the customs,
"and the regular tariff duties paid on it,
"when unluckily one of the crew tried to smug-
"gle some straw rope on a Sunday; happily, it
"was seen and seized, and a fine of 400 taels in-
"flicted, which sum, as the real owners were
"not in Hankau, was advanced by their agent
"Yu Pu-ting. The deponent says he will never
"again dare to buy a foreign flag. The Inten-
"dant obtained a written assurance while Kau
"Wan-shun was in custody, to which the part-
"ners of the large firm Hu-tung-king in Han-
"kau were, sureties, that nothing more of the
"kind should take place."

On reading the above report, it ap-
pears to me quite plain that the native
merchant Kau Wan-shun had opened an office

at Hankau as a shipping-agent; he chartered a boat for the firm Tsium-mei to take their goods away, and presumed to apply to Mr. White for a foreign flag for a consideration, foolishly hoping thereby to evade the full payment of duties. But the Intendant discovered the plan, and arrested the parties; and Kau-Wan-shun confessed on examination that he had given a bribe to get a foreign flag for this vessel, whose cargo all belonged to native merchants and whose crew were all Chinese. By the laws of his country, his crime is very heinous; and the decision of the Intendant to compound his punishment for a fine of 400 taels may be considered as rather lenient. Furthermore, this action was quite in accordance with the spirit and intent of Art. XIV. of the American treaty concerning smuggling and evasion of duties, which allows Chinese officers to manage and adjudicate such cases.

However, for the U. S. Consul not only to overlook the act of Mr. White in secretly selling the American flag, and pass it by without punishment, but even to try to screen the man Kau-Wan-shun, and turn around

and charge the Intendant with arbitrary and unjust exaction in himself levying this fine, is totally opposed to the spirit of the treaty, which does not permit an American official to collude with and screen his fellow-citizens - much less to shield one who had sold his national flag, and then attempt to defend the Chinese who had bought it.

The Superintendent of Commerce has learned all the facts respecting this case, and has approved of the fine; it is one that wholly comes within the jurisdiction of Chinese officers, and is levied on their own subjects, and may therefore be regarded as finally closed.

The investigation of Mr White's offense in selling the flag, and the punishment proper to be meted in order to promote justice and order, falls entirely within your Excellency's jurisdiction.

To H. E. S. Wells Williams

U. S. Chargé d'Affaires

Jan. 4th 1866. (Tung-chi, 4th year, 11th moon,
18th day.)

Legation of the United States,
Peking, January 16. 1866.

Sir,

I beg to acknowledge your dispatch of Oct. 23^d 1865, and its inclosures, relating to the case of the chartered junk W. N^o. 258, which was fined 400 taels in Aug. last for smuggling some straw rope on board after receiving her clearance. I wish that you had procured a translation to be made of the Intendant's reply to Consul Satter's dispatch, for then you could have informed me with respect to the allegation made therein as to Mr. White's selling the protection of the American flag, which constituted the real reason for the fine. A want of translators is, however, I am well aware, one of the disabilities which the U. S. Consulates in China labor under, and you was probably not aware of this important feature in the case.

I brought the matter before the Chinese Government in November,
just

To H. G. Bridges Esq
U. S. Vice-Consul

just as you reported it, and have since received the inclosed answer, which I suppose contains all that the Intendant of Circuit has to say on his side. I have had a long discussion with the members of the Foreign Office, who do not defend his conduct in all respects. They see the incongruity of such a fine for so light an offense, and acknowledge that he virtually consented to the illegal use of the American flag by allowing the boat to depart under those colors, instead of compelling her to resume her real character. But as I had no counter evidence to bring forward against their assertion that Mr. White did sell the protection of the flag for 45 taels, I could do no other wise than allow it in argument; but I wish you to sift the matter thoroughly, for if he did, he has made himself amenable to your consular court for infringing the regulations concerning chartering native vessels. If he did not, and the flag was legitimately used, send me copies of the documents proving it.

This dispatch is sent you through the Foreign Office, with one to the Intendant, and

I wish you to reinvestigate the case with him. He can confiscate goods detected in the act of smuggling, but he cannot impose a fine on an American citizen, except through the judicial action of the consul. If the Intendant thought that the flag was illegally used, he could have detained the vessel until the charge was examined, and withdrawn her charter if proved; nor would I complain at any fine or confiscation, for the matter would then pertain entirely to the Chinese authorities. The American flag may not be used to aid natives in evading their own laws.

I proposed to the officers here that the 400 taels should be deposited in Court till the cause was decided, and you will try to have this done; and on ascertaining all the facts, settle the matter according to treaty and law.

I am, respectfully
Yours obediently.

S. M. Williams

P.S. Since the above was written, I have learned some particulars which go to show that Mr. White has been engaged

gaged in selling the protection of the American flag to Chinese vessels. If you had any knowledge that such was the case, he ought to have been long ago cited to answer for his conduct.

It may be a matter of some difficulty to settle this case, seeing that the wrong has been done, and the parties perhaps gone away. You can inform the Intendant that if he had at first told consul Sallers all the truth about this boat, there would have been less difficulty in punishing the guilty parties. Yet he cannot be allowed to act arbitrarily even in the pursuit of a right end; and doubtless would prefer to act in concert with the consul, if he was assured that offenders would not escape. I have confidence that you will do what is possible to bring this about.

S. W. W.

Disp. N: 35
Inelos. F.

United States Consulate,

Hankau, 21st March, 1866.

Sir,

I am in receipt of your communication of Jan. 16th, with reference to the fine of 400 taels imposed by the Tantai upon Mr. White, and note your request that I should sift the matter thoroughly with a view to ascertain if he did sell the American flag for 45 taels.

Mr. White had closed his business, and left this port a month before the receipt of your dispatch; I am therefore unable to make any further inquiries into the case.

In the postscript of your dispatch, you write that you had "learned some particulars which go to show that Mr. White has been engaged in selling the protection of the American flag to Chinese vessels;"—and further remark, "if you had any knowledge that such was the case he ought to have been cited long ago to answer for his conduct." In reply I have to say that I was not aware that he sold the American flag, and that I never received any

complaint

L. Wells Williams Esq.

U. S. Chargé d'Affaires

"complaint from the authorities of Mr. White
"carrying on a business of this kind. He
"may or may not have been wholly or
"partly interested in the different junks
"he dispatched from this port, but as long
"as he appeared as the charterer of the craft
"and shipper of the cargo, it was incumbent
"on the consul to apply for her customs pa-
"pers, and give a consular clearance;
"and I respectfully submit that the consul
"was in no way bound to make unusual
"inquiries.

I believe that there are, at the present moment, many seagoing vessels on the coast trading under the flags of different nations, which belong wholly to Chinese. During the late war in America, many American vessels sailed under English, French, and other colors; and I presume this was an exact case of "selling flags"; but I have never heard that any consular or other authority considered it his duty to assiduously endeavor to ascertain the true ownership in such cases.

On the Yangtze River, the following circumstances have existed. During the past four years, numbers of native owned junks

have been dispatched from Hankau under American, English and French papers (the greater number under the latter nationality) with the undoubted knowledge of the native authorities, who were only too glad, while Nanking was in possession of the rebels to foster the native traffic by protection in this way afforded to native craft. The authorities had given tacit consent to this system, and never expressed any disapprobation of it, until recently, and subsequently to the fine imposed on Mr. White; and in proof of this, I would refer to the fact noticed by yourself in your dispatch, that the Intendant allowed the junk W. N. 258 to clear under the American flag as soon as the fine was paid, though believing, as he asserts, that the boat and cargo were native property; and furthermore, he did not request me to make close examination into future applications for papers, with the view to prevent the clearance of junks that might not be bonafide American property. After payment of the fine, Mr. White cleared at the customs ten other junks without remark from the native authorities.

authorities. Time and custom had made the practice so familiar that the Tautai never made an objection to it, until one was required as an argument in reply to consul Salter's letter.

I cannot speak from any knowledge, but I think it is probable that Mr White was not the bonafide owner or charterer of the numerous junks he dispatched from this to his American agent in Chinkiang; but he may have been part owner, or perhaps only received a commission for the management of the business. Premising, for argument, that Mr White was only the agent, the Tautai's conduct seems equally reprehensible, and the precedent equally dangerous. If he chooses to allow Chinese subjects to protect their junks with an American flag, the craft is subject to the jurisdiction of the United States, and he cannot arbitrarily fine the nominal owner, who is, an American citizen. Shall the junk have the advantage of flying the American flag without being subject to the government of that country?

As

As Mr. White is not here, I am unable to gain any information to the statements made by the Foreign Office. We are simply in possession of the fact that it was not any supposed Chinese owner of the junk or cargo who was ordered to pay money; but that Mr White, who appeared before this Consulate as the owner of the junk was fined by the Customs 400 taels for a petty case of smuggling by one of the crew, in evident disregard of treaty rights, and the Foreign Office write you that the Superintendent of Commerce has approved of the fine, and that it is one that comes wholly within the jurisdiction of the Chinese officers. It seems to me that if an exercise of arbitrary power like this is to be permitted, there is an excellent precedent for the Customs to fine or extort money at their will from any American citizen, and that the judicial power of the consuls over their citizens has passed partially into the hands of the native authorities, and may eventually be lost altogether,

altogether, and we may consider this part of our treaty rights almost a dead letter.

Considering the importance of the principle involved, I entertain strong hopes that you will get the fine refunded; otherwise, the customs are likely to fine American boats and steamers at their pleasure. In proof of this, I would remind you that about two years since the British steamer Express was fined 50 taels by the customs in consequence of her River Pass having been forgotten.

Mr. White has left power in the hands of a friend at Hankow to receive the 400 taels when refunded

I have the honor to be,

Sir,

Very Respectfully

Your Obedient Servant;

[Signed] H. G. Bridges

Acting U. S. Vice Consul.

Legation of the United States,
Peking, May 26th 1866

Sir,

I have to acknowledge the receipt of your reply of March 21st respecting the claim of Mr. White, whose previous departure from Hankau had prevented the affair of the junk W. N^o. 258 from being investigated. This I regret the more, as I am obliged now to take the account of the Chinese authorities as the true one, which shows that he had no interest in the vessel or her cargo, whose native owners really paid the fine. If I had had the same reason for believing it when I received your first communication of Oct. 23^d 1865, I should not have been led into the mistake of urging upon the Foreign Office the repayment of the 400 taels under the idea that Mr. White had himself paid it, which I fairly inferred from

To H. G. Bridges Esq.

Acting U. S. Vice Consul

from his affidavit.

The whole transaction has grown out of the irregular business which he was engaged in, that of furnishing the American flag to cover Chinese property; and as you seem to be unaware what has been done in reference to this subject, I inclose a copy of a circular Notice issued by Mr. Parker in 1856 to U. S. Consuls in China, which will explain the view taken by the Legation of this business. [See Correspondence of Mr. Parker, page 774 for this Notice.]

Your reference to the transfer of American ships to English or French flags during the late civil war, is not to the point, nor the same thing as the transfer of the American flag to a foreign vessel, for the laws of England or France may differ from our own, and were (it is to be inferred) observed by those who took their flags - not, like the Chinese traders, to protect themselves against their own rulers, but to elude rebel cruisers. Moreover, Congress has just passed a law, prohibiting

prohibiting all American vessels which —
had thus been transferred to foreign flags,
ever recovering their own flag, thus show-
ing that the proceeding was not altogether
approved.

You remark, when defending Mr.
White's proceedings, and inculpating the
Intendant, that "Time and custom had
"made the practice of sailing Chinese ves-
"sels under the American flag along the
"Great River so familiar that the Intend-
"ant never made an objection to it un-
"til one was required as an argument to
"reply to Dr. Salter's letter. If the Inter-
"dant chooses to allow Chinese subjects
"to protect their junks with an American
"flag, the craft is subject to the jurisdic-
"tion of the United States, and he cannot —
"arbitrarily fine the nominal owner, who
"is an American citizen. Shall the junk
"have the advantage of flying the Ameri-
"can flag, without being subject to the Go-
"vernment of that country?"

This question shows very clearly
the erroneous ideas entertained respecting

this

this business, which is indefensible in every way. The Intendant, it seems, had no right to allow Chinese traders to protect their junks with the American or any other foreign flag; and the U. S. statutes, especially the law of December 31. 1792, still in force, would have shown Dr. Salter that he was required to ascertain the character of a vessel before permitting her to carry the American flag. It matters not how many other nations permit it, the laws of the United States do not permit a consul to furnish this flag to foreign-owned and foreign-manned craft of any nation, nor knowingly to clear such a vessel at the customhouse.

I am not called upon to defend the arbitrary acts of the Intendant; nor do I fear that, if such acts as the one now under discussion are permitted, the judicial power of the consuls over their countrymen will pass into the hands of the native authorities, as you suggest; for if the business itself is not lawful, either

either by Chinese or American law, no tacit or open permission can make it right. Though I am of the opinion that the American flag on the junk gave her no protection against either fine or confiscation from the local authorities; I now rather wish to show, that when our citizens violate the laws of their own country, they cannot expect protection or redress, whatever time or custom may have done to render the practice common. Neither can the American consular or other officers exert their influence to recover a fine for a native levied by his own officials for this offense.

Mr. White should have been fined for furnishing the American flag; for it did not make his act right because the Intendant winked at it, but it placed the consul in a wrong position, and of course weakened his influence. If he had really owned the junk, he could carry the flag according to the terms of the sea-letter, and load her with any freight

freight; but that is another question. The evils connected with the illegal use of our own flag in Chinese inland waters, are greater, both to our citizens and the natives, than the advantages, aside from the question of legality; and now that the Yangtze is becoming more peaceful, even the necessity that has led natives to seek the protection of a foreign flag against the exactions of their own rulers or the depredations of pirates, will I hope, still more diminish.

I wish you to furnish me with whatever data you can obtain respecting the extent of this business on the Yangtze River; and to inform Mr White that no further steps will be taken to get the fine refunded, which I infer from the evidence he never paid.

I am, Sir,

Your Obedient Servant,

J. M. Williams

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication respecting the case of Mr. White of the Pau-ki Hong, who complained against the Intendant at Hankau for unjustly detaining his native boat.

When V. E. came to the Foreign Office to discuss this case, and maintain the principle that whenever a foreigner was involved in a matter, as in the present instance, the Intendant was bound to confer with the consul, and could not of his own accord decide the case and levy a fine as he pleased; you remarked that if the fine was levied because Mr. White had smuggled some straw rope, and of this article only a very little which ostensibly belonged to him, it was entirely unjust to levy a fine of 400 taels. Furthermore, as you had learned that this money was paid by White and not by Chinese traders, it was desirable for the sake of justice that orders be sent
again

again to Hankau to examine and decide it according to law.

Such directions were accordingly sent to Li, the Superintendant of Trade, and to Kwanhan, Governor-general at Wu-chang, to reinvestigate this matter in detail and report; and on the 12th inst. I received the following reply from the former:-

"I have already examined into this
"case most thoroughly. The man who
"bought the foreign flag was a Chinese
"merchant, and he who paid the fine
"was a Chinese; it was a Chinese official,
"too, who judged this offense against our
"laws, one with which the foreign mer-
"chant had no concern. The straw-rope
"smuggled on board was also the property
"of a native. In short, the whole affair
"affected our people alone; and the shop-
"keepers Kau Wan-shun and others willingly
"paid all the fines and thus settled the
"case."

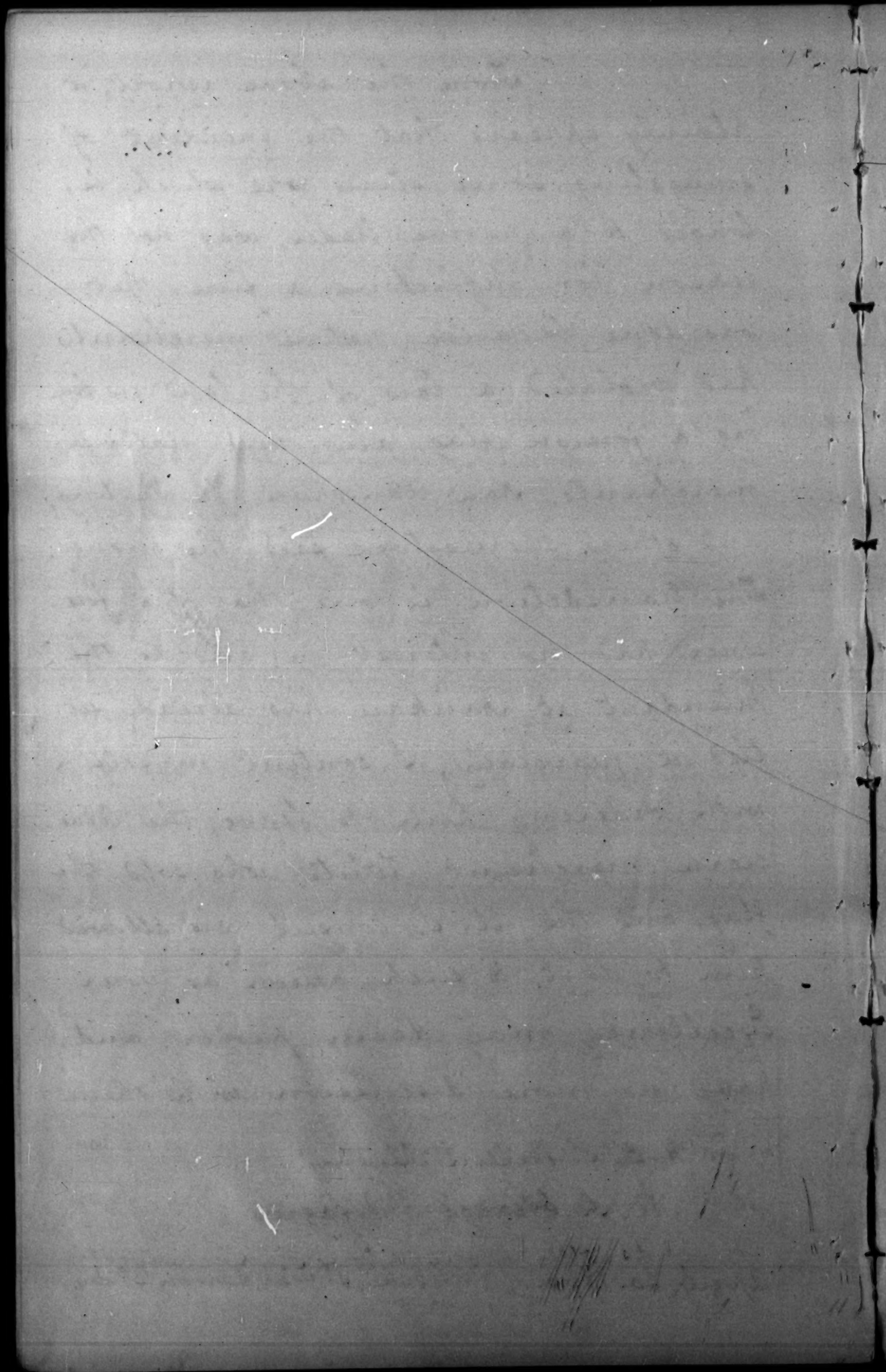
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From the above report, it plainly appears that the incident of smuggling some straw rope which belonged to a native trader, was not the reason for inflicting a fine; that -- was done because native merchants had violated a law of the land in buying a foreign flag, and these native merchants, Kau Wan-shun, Yu Pu-ting, and others, themselves paid the money. The transaction is one that the foreigner had no interest in; and as the Intendant at Hankau has already settled it judicially, I content myself with ordering him to leave the American merchant White who sold the flag, and the U. S. consul who allowed him to do it, to such action as your Excellency may deem proper; and have no more discussion with them

To H. E. S. Wells Williams,

U. S. Charge d'Affaires

April 20. 1866. (Tungchi, 5th year, 3rd moon 6th day.)



Legation of the United States,
Peking, April 25. 1866

To His Imperial Highness Prince Kung

Sir,

I have the honor to acknowledge your Highness' dispatch [of Jan. 4th] relating to the petition of Mr. White against the proceedings of the Intendant at Hankau in detaining his native boat; and that [of April 20th] stating that it was on account of the boat having bought a foreign flag. I made inquiry of the U. S. consul at Hankau respecting the circumstances, and have recently received the following report:—

"It is totally unjust to charge
"a native merchant with violating the
"law when he puts goods on board a ves-
"sel flying a foreign flag; for, during the
"last three or four years, native boats, bear-
"ing the American, English, and French,
"flags, have been carrying large quantities
"of goods out of the River. The rebels at
"Nanking,

"Nanking and the pirates on the Yangtze" were
"afraid to meddle with such boats, and as
"the practice was not at all to defraud
"the revenue in any way, it was not for-
"bidden. When the Intendant detained
"White's boat and fined it, he never said
"it was done because she carried a foreign
"flag; and he allowed White afterwards to
"clear ten more boats under the same
"flag. Many hundreds of native vessels
"have cleared hence carrying foreign
"flags during these years, and none of
"them were fined or prohibited. Why
"then should this single one be mulcted
"so large a sum as 400 taels? Some months
"after it was done, an order was issued
"prohibiting the sale of foreign flags to
"native boats, since which date none have
"been furnished by White to any native."

It is apparent from the above statement that the reports made of this case do not altogether agree. When the boat had bought a foreign flag, as the Intendant affirms, why did he not refuse her clearance; and if he fined her for smuggling, why did he not first communicate with

The

the consul, and not himself violate the rules which were established in August 12^o 1864 respecting the mode of procedure in cases of confiscation. Furthermore, to inflict a fine of 400 taels upon a boat for smuggling some straw rope, and then turn around and alledge that it was done for something else, is unjust. If the boat and cargo and owners were all Chinese, why not say so, and not implicate an American merchant in the matter?

The 14th article of the treaty, which your Highness quotes as allowing Chinese officials to confiscate vessels detected in smuggling and defrauding the revenue, refers only to vessels going into ports that are not open to trade, and cannot be applied to vessels that may be detected in smuggling at legal ports; nor can it be adduced in the present instance as upholding the proceedings of the Intendant in fining the boat so much for so slight an act. I have an earnest desire to settle this affair equitably, and the Government of the United States wishes to respect the laws of China; but it is altogether
wrong

wrong to alledge that a law was violated in this case by selling a flag to the boat, and then to charge the U. S. consul with having falsified his statement of the circumstances. Such things will soon destroy all cordial feeling between our countries.

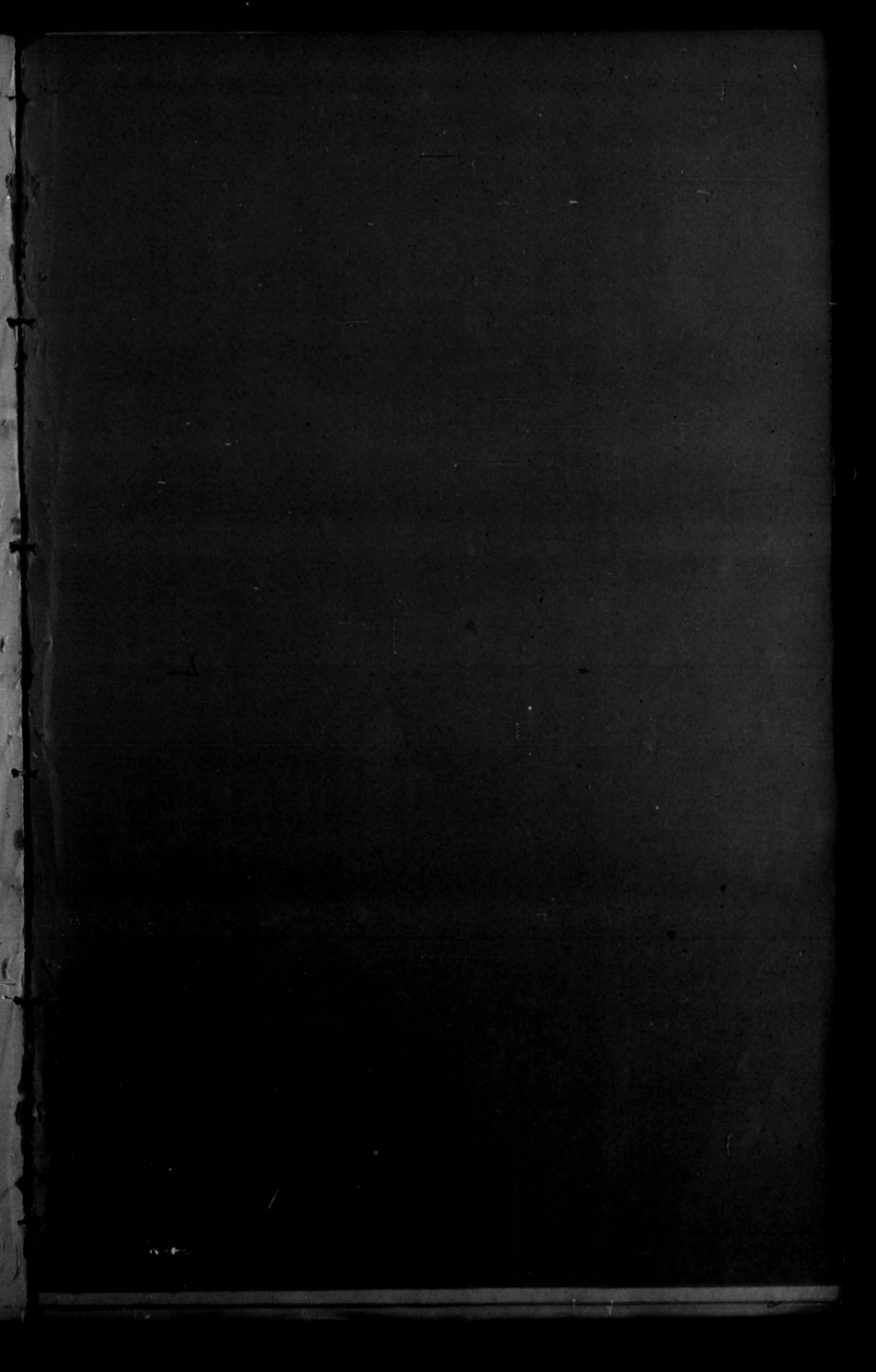
It is impossible to regard this case as settled, and unnecessary to discuss it again, because the officers at Hankau assert it; and I have therefore again to request your Highness to require the Intendant at Hankau to pay back the 400 taels to the Consul and arrange the settlement of the case with him. This will accord with the requirements of honor and equity.

I have the honor to be.

Sir.

Your Highness' Obedient Servant

C. Williams



From ~~State~~
No. 36 - Eight inclosures.

ack by No. 181
also by No. 194

RECEIVED,
Dept. of State, Asst
NOV 15 1866

Legation of the United States,
Peking, August 5. 1866

Sir, *To call* ~~the~~ *compr* ~~with~~ *in* ~~the~~ *on* ~~the~~ *in*

I have the honor to ack.
nowledge the receipt of your dispatches
Nos 29, 30 and 31; and in reference to the last,
which alludes to a joint proposition of the French Government
foreign Ministers in Peking for some kind ^{at} Shanghai
of simultaneous action on the question of
a common municipality at Shanghai; I have
now to send you several important papers,
showing what the French Government
has done by itself, after the reception of the
proposal, in respect to the government of
the quarter commonly known as the French
Concession.

The first document (Inc. A.) is a set Inc. A.
of Règlements d'Organisation issued by the Règlements
French Consul. general, to go into effect on
Sept. 1st prox. The second (Inc. B) is a joint Inc. B.
letter Consuls' Letter

To
Hon'ble William H. Seward
Secretary of State.

letter from the American and British consuls
at Shanghai, requesting him to delay their
publication; to which Viscount de Montmo.
rand replies (Inc. C.), giving the reasons why
he cannot do so. To this Mr. Seward replies
(Inc. D), reserving the obedience of citizens
of the United States to regulations in
whose formation they had had no voice.
The moderate and judicious letter of Mr.
Seward to me (Inc. E), when forwarding
the above correspondence, and my reply
(Inc. F.) when sending a form of Protest
(Inc. G.), complete the series of documents,
except a short note to him, (Inc. H) giving
the reasons for suspending the publica-
tion of the Protest at present.

The perusal of these inclosures
will furnish you with all the serious
objections which have been urged against
the Règlements, and I will only add some
explanatory remarks upon them. It should
be stated that Mr. de Bellouet, the French
chargé d'affaires, recommended a fusion of
the entire foreign settlement under one
municipality; but his plan was overruled,
and

Inc. C.
Reply

Inc. D

Inc. E
Letter from
G F Seward

Inc. F

Inc. G.

Inc. H.

Spirit of
the Rège-
ments

and these R^{eglements}, I am informed, were principally devised by a committee in Paris, consisting of Baron Gros, M^r. Berthemy and Admirals Juares & Gravien, all of whom have been in China. The characteristic feature of French rule - great centralization - is apparent in every article; and indeed, one is a little puzzled, after reading them over, to know what the consul cannot, and what the council can do, for the former is everything, and without him the latter is nothing. He convokes it when he likes, suspends or dissolves it if he pleases, and then nominates a provisional council for 3 or 6 months, which seems likely to be seldom needed, however, for he can veto or suspend every act it passes, until he reports to the French Minister at Peking. And finally, the police is placed under his sole control.

The contrast exhibited between the spirit of these Regulations, and those in force across the creek that separates the two settlements, remarkably illustrates the different political education of Continental Europe and America; but perhaps the autocratic

cratic principle may be found to work in practice as well as the democratic, in preserving the peace, and promoting the welfare of a very miscellaneous population. The franchise is widest in the French settlement; but in fact, one based on a payment of 30 dollars in taxes or an annual income of \$1000, as in the other, would have disfranchised so many residents that the voters would have felt that they did not represent the community.

Limits of the
French quarter
extended to
include U.S.
citizens

The limits of the quarter included under these Réglements are not defined; they are, however, much larger than when the Land Regulations were issued in 1854, and have been extended so as to include the houses and lots of several American citizens, who originally had no idea of coming under French cognizance. These were all requested to register themselves as members of the quarter, and take out new bills of sale of their land sealed with the French consular seal. Some of them have done so, others have declined. In one case of the latter, the
old

old municipal council, without consulting the occupants, erected a police station on the river bank in front of the lot, which completely destroyed the frontage; their repeated protests against this act brought them no redress, and the authorities there have hitherto persistently refused to compensate the missionaries who owned the lot for this injury. The ninth clause of Art. IX of the Réglements provides for such a case, and it is to be hoped that this long pending case can now be equitably settled.

It is premature to express an opinion as to their working among such a heterogenous community as are nominally living under the control of the French consul-general at Shanghai, for the whole depends upon the personal character of this functionary. I suppose that nine-tenths of the inhabitants are Chinese, and only one-fourth of the rest are Frenchman, the remainder consisting chiefly of Europeans and Asiatics; but I cannot state the total population. The
Chinese

Chinese, who furnish most of the taxes and industry, are only allowed a consulting voice if the Council please.

By Art. XII. the Council can pursue at law all who refuse to pay their assessment; and Art. XIV enables them to cite the recusants before the Consular tribunal; if the party be a foreigner, he is then to be sent to his own consul. Supposing that consul decides for the defendants, the other party may resort to a writ of ejectment, which may produce an appeal to force if there is a man-of-war in the harbor of either of the parties. No such collision has previously occurred, for there has heretofore been a kind of popular municipality in that quarter; but last year, the consul-general dismissed it as refractory, and has since managed affairs nearly alone.

The French Government disclaims all intention to encroach on the rights of other nationalities, but one must be permitted to doubt whether such a system of government as is here drawn

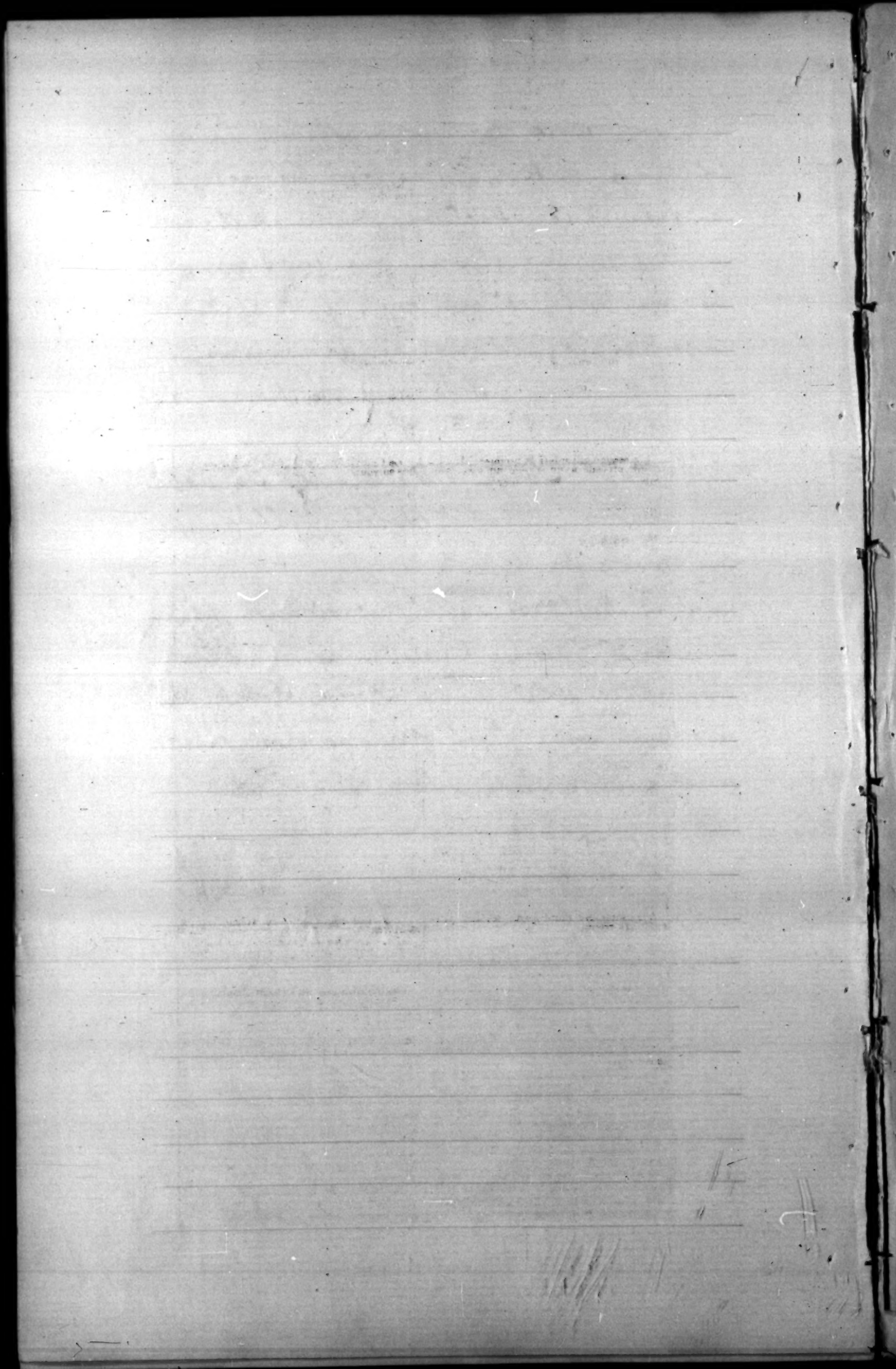
up

up, will work harmoniously in the midst of those nationalities, and alongside of a free and effective municipal-consular jurisdiction. The problem will be an interesting one, if it does not become hazardous or dangerous.

I have the honor to be,
Sir,

Your Obedient Servant,
J. Mills Williams

P.S. It should be stated, that although the Russian and Prussian Ministers agreed to the principles stated in the Protest, they wished to obtain some legal opinions upon the questions involved before issuing it.



**RÈGLEMENT D'ORGANISATION MUNICIPALE
DE LA CONCESSION FRANÇAISE DE
SHANGHAI.**

NOUS, Consul général de France à Shanghai.

En vertu des instructions que nous avons reçues de S. E. M. le Ministre des Affaires Étrangères de S. M. l'Empereur des Français, publions les dispositions suivantes qui seront exécutoires à partir du premier Septembre prochain; à moins que, d'ici à cette époque, il ne survienne telle circonstance, telle mesure ou tel ordre, qui obligent le Consul Général à les rendre exécutoires plus tôt.

ARTICLE I.

Le corps municipal de la concession française à Shanghai se compose du Consul général de France et de huit conseillers municipaux, dont quatre Français et quatre étrangers, désignés les uns et les autres par la voie de l'élection.

Les conseillers municipaux sont nommés pour deux ans; ils sont renouvelés par moitié tous les ans.

À la session qui suivra la première élection il sera procédé à un tirage au sort pour régler l'ordre de renouvellement.

Les conseillers décédés ou démissionnaires sont remplacés en même temps que les conseillers sortants.

ARTICLE II.

Sont électeurs tout français et tout étranger, âgés de vingt un ans et remplissant l'une des trois conditions suivantes:

10.—Possédant, en vertu d'un titre de propriété régulier, un terrain situé dans les limites de la concession;

20.—Occupant, sur la concession, tout ou partie d'un immeuble à titre de locataire et payant un loyer annuel de mille francs au moins.

30.—Devenant sur la concession depuis plus de trois mois et pouvant justifier d'un revenu annuel de quatre mille francs.

ARTICLE III.

Le Consul Général dresse la liste électorale, la revise tous les ans et convoque l'assemblée des électeurs.

Les opérations électorales sont vérifiées par le Conseil Municipal.

ARTICLE IV.

Tout électeur âgé de vingt cinq ans est éligible:

10.—S'il est propriétaire sur la Concession d'un terrain payant au moins 240 francs d'impôts annuels.

20.—S'il paye un loyer annuel de 4,000 francs au moins sur la Concession.

30.—Enfin si demeurant sur la Concession il peut justifier d'un revenu net de 10,000 francs.

Les conseillers municipaux sortant peuvent être réélus.

ARTICLE V.

Le scrutin est secret.

Le vote a lieu par scrutin de liste. Chaque liste doit comprendre un nombre égal de résidents français et de résidents étrangers.

Les candidats qui parmi les résidents français ont réuni le plus de voix, font partie du Conseil Municipal. Il en est de même des candidats qui parmi les résidents d'autres nationalités, ont obtenu le plus grand nombre de suffrages.

Un ou plusieurs notables Chinois ou chefs de corporations désignés par le Consul Général de concert avec le Taotai, pourront, si le Conseil le juge à propos, être admis aux séances avec voix consultative.

ARTICLE VI.

Le Conseil ne se réunit que lors qu'il est convoqué par le Consul Général.

Il doit l'être toutes les fois que la moitié de ses membres en fait la demande par écrit.

Le Consul Général peut le convoquer toutes les fois qu'il le juge nécessaire.

ARTICLE VII.

La Présidence du Conseil appartient de droit au Consul Général.

Le bureau se compose, en outre, d'un Vice Président et d'un Trésorier que le Conseil choisit chaque année parmi ses membres.

Les délibérations sont prises à la majorité des voix. En cas de partage, la voix du Président est prépondérante.

ARTICLE VIII.

Le Consul Général a le droit de suspendre ou de dissoudre le Conseil Municipal, sauf à rendre immédiatement compte des motifs de sa décision à S. E. M. le Ministre des Affaires Étrangères et au représentant de l'Empereur à Peking.

La durée de la suspension ne peut excéder trois mois. En cas de dissolution, l'assemblée électorale doit être convoquée dans les six mois à partir du jour où le Conseil a cessé d'exercer ses fonctions. Le Conseil Municipal est remplacé dans l'intervalle, par une commission provisoire que le Consul Général nomme d'urgence.

ARTICLE IX.

Le Conseil Municipal délibère sur les objets suivants:

10.—Le budget des recettes et des dépenses Municipales;

20.—Les tarifs de perception des revenus Municipaux;

30.—La répartition des taxes entre les contribuables;

40.—Les demandes en décharge ou en réduction d'impôt;

50.—Le mode de recouvrement de l'impôt;

60.—Les acquisitions, alienations, échanges et locations de propriétés Municipales;

70.—L'ouverture des rues et des places publiques, les projets de construction de quais, jetses, ponts, canaux, les projets d'alignement, l'emplacement des halles, marchés, abattoirs, cimetières;

80.—Les travaux d'assainissement et de viabilité.

90.—Les expropriations pour cause d'utilité publique.

Une commission composée du Consul de la nation à laquelle appartient la personne expropriée, et du Consul général de France, étant chargée de fixer les indemnités dues aux propriétaires expropriés;

Ces deux Consuls, en cas de désaccord ayant le droit de désigner un de leurs collègues comme tiers arbitre;

Le tout suivant un accord à intervenir dans un meeting des Consuls à Shanghai, relativement aux difficultés qui pourraient s'élever entre le Conseil Municipal et un propriétaire foncier ou un contribuable de la Concession Française.

100.—Les règlements de voirie et de salubrité.

110.—Tous les autres objets sur lesquels le Consul Général appelle le Conseil à délibérer.

ARTICLE X.

Les délibérations du Conseil Municipal ne sont exécutoires qu'en vertu d'un arrêté du Consul Général.

Le Consul Général doit rendre exécutoire, dans le délai de huit jours, toute délibération relative à l'un des objets énumérés dans les paragraphes 1 à vi de l'article précédent.

Le Consul Général peut par décision motivée et sous réserve de l'approbation du Ministre de France à Peking, qui doit être demandée sans retard, refuser de rendre exécutoire une délibération du Conseil Municipal relative à l'un des objets énumérés dans les paragraphes vii à xi de l'article précédent.

L'exécution de la délibération demeure suspendue jusqu'à l'arrivée de la réponse de la Légation.

ARTICLE XI.

Les séances du Conseil Municipal peuvent être publiques, et les débats des séances non publiques peuvent être publiés en vertu des décisions spéciales du Conseil, approuvées par le Consul Général.

Les séances dans lesquelles le Conseil arrête le budget annuel des recettes et des dépenses sont toujours publiques, à moins que la majorité du Conseil ne s'y oppose.

ARTICLE XII.

Le Conseil Municipal est chargé des services administratifs concernant la voirie, l'écoulement et la distribution des eaux, l'éclairage des rues, la gestion et l'entretien des propriétés Municipales, l'exécution des travaux d'utilité publique, la confection du plan cadastral, l'établissement et la révision de rôles des contributions, et la perception des revenus Municipaux. Il est également chargé d'exercer des poursuites contre les contribuables en retard.

Le Conseil nomme son Secrétaire.

Il nomme également, sans l'approbation du Consul général, à tous les emplois qui rentrent dans le service Municipal. Il suspend ou révoque les titulaires de ces emplois.

ARTICLE XIII.

Le Consul Général est chargé de tout ce qui a pour objet le maintien de l'ordre et de la sécurité publique sur la concession.

Le corps de police, dont les dépenses sont à la charge du budget Municipal, est exclusivement placé sous ses ordres. Il en nomme les Agents, les suspend ou les révoque.

ARTICLE XIV.

Les contraventions aux règlements de voirie sont jugées par un délégué du Conseil Municipal, sauf recours au Consul général.

Les contraventions aux règlements de police sont jugées par le Consul Général ou un officier du Consulat Général.

En cas de poursuites exercées pour retard de paiement de l'impôt, le receveur Municipal doit citer le contribuable devant le tribunal Consulaire.

ARTICLE XV.

Si l'individu poursuivi pour l'une des trois causes mentionnées n'est pas français, et qu'il récuse la compétence des juges désignés par ce même article, il doit être renvoyé immédiatement devant ses juges naturels.

ARTICLE XVI.

Aucun étranger ne peut être arrêté dans les limites de la concession, en vertu d'un mandat émanant d'un juge ou d'un tribunal étranger, sans l'autorisation du Consul Général de France, ou sans le concours des Agents placés sous ses ordres.

ARTICLE XVII.

Le Consul général pourra, lorsqu'il le jugera utile, et après avoir consulté le Conseil Municipal, convoquer en assemblée extraordinaire, tous les électeurs et même tous les français et étrangers non-électeurs demeurant sur la concession, pour recueillir leur avis sur les questions d'intérêt général qu'il croira devoir leur soumettre à titre exceptionnel.

ARTICLE XVIII.

En cas de vacance du Consulat Général ou d'absence du titulaire, toutes les attributions et prerogatives conférées au Consul Général par le présent règlement appartiennent de droit au Gérant du Consulat Général.

NOTA :—Le Consul Général se réserve d'ailleurs, après avoir consulté la Commission Municipale ainsi que les principaux membres de la communauté, d'apporter encore au présent règlement tels changements qui lui paraîtront nécessaires à l'intérêt de la communauté et compatibles avec la responsabilité qui lui incomberait, en ce cas, vis-à-vis de son Gouvernement.

D'ici au 25 de ce mois, les listes Electorales seront dressées et déposées à la Mairie, où elles seront vérifiées par la Commission Municipale; chacun pourra alors en prendre connaissance, et les électeurs auront jusqu'au 10 Août 1866 pour faire leurs réclamations et présenter les titres en vertu desquels ils sont électeurs ou éligibles. Ces titres et réclamations seront examinés par la Commission Municipale à laquelle devront s'adresser les réclamants.

L'époque des Elections, aussi bien que les détails concernant le mode à suivre pour la votation et la nomination des Conseillers Municipaux seront ultérieurement indiqués.

(Copy)

Dispatch, No. 36

Inc. B.

Shanghai, July 9th 1866

Dear Sir and colleague,

We have had before us and considered in a general manner the Regulations which you have received from the Government at Paris, with instructions to publish them.

We foresee many difficulties in making these Regulations applicable to persons not French subjects who may be residents within the limits to which they refer. So far as regards Englishmen and Americans, any rules to be obligatory, must be made or enacted by their own authorities, as it is provided by the two Governments. Until they have been notified in the proper quarters we can take therefore no steps to aid in enforcing them.

We particularly note that the XIV article is open to grave objections, since it materially restricts the exercise of the absolute territorial jurisdiction which has been conceded to our respective Governments by

that of China.

We believe moreover, that the tenor of the regulations will not fail to give rise to the impression that it is the intention of the Government of France to assume territorial dominion in China, an intimation which we do not in the least attribute to it, because it is directly opposed to the policy of co-operation which has heretofore received the sanction of the several governments.

Considering that it cannot be the desire of the Government of France to abridge the privileges of the people of other nations living here, or to give rightful ground to any to believe that it is its intention to assert unusual powers here, and considering that a general desire has been expressed in high quarters for a reference to the several governments concerned, with a view to the delimitation of a general basis for the management of Municipal matters in Shanghai, we suggest that, the publication of the regulations be delayed until information can be had from Peking as to whether the reference referred to has been made.

We

We make this suggestion with the more confidence on account of the difficulty which must exist at a distance in arriving at a clear perception of the extent to which such Regulations affect other jurisdictions concerned.

We return our thanks for your courtesy in handing us the Regulations before publication, thus giving us the opportunity of communicating to you the impressions which the perusal has suggested.

We have the honor to be

Your obedient servants

(Signed) C. A. Winchester

() Geo. F. Seward



Shanghai, le 10 Juillet, 1866.

Messieurs et chers Collegues,

J'ai reçu hier au soir la lettre collective que vous m'avez fait l'honneur de m'adresser en me renvoyant la traduction Anglaise du nouveau règlement d'organisation municipale sur la concession Française

Permettez-moi de répondre à la tête quelques mots à son contenu:-

Premièrement je n'ai jamais pu espérer que mon honorable collègue d'Amérique pu d'avantage m'aider de rendre ce règlement exécutoire vis-à-vis de ses nationaux, qu'il ne peut le faire à l'égard des "Land Regulations" qui ont cours sur la concession Anglaise; puisque, si ma mémoire n'est pas en défaut, je crois lui avoir entendu

Messrs. Seward et Winchester,

Consuls-généraux des États-Unis
et d'Angleterre

à Shanghai

tendu dire plusieurs fois qu'il n'y était pas autorisé pour aucun règlements municipaux.

J'aime d'espérer toutefois qu'il sera fait à Pékin, ou ailleurs telles démarches qui vous permettront à tous deux, aussi bien qu'à moi, de rendre obligatoire pour nos nationaux respectifs habitants Shanghai, les divers règlements municipaux qui sont ou seront établis.

D'un autre côté vous me signalez l'article XIV comme devant donner lieu à des graves objections par la raison, dites-vous, qu'il restreint votre droit de juridiction ex-territoriale en Chine. Mais je crois sincèrement, Messieurs, que si vous aviez bien voulu porter votre attention sur l'article XIV - soit l'article XV - vous aviez été persuadés au contraire du respect que le Gouvernement François a montré un fois de plus envers la juridiction des autres nationalités et de leurs consuls à Shanghai

Enfin,

Enfin, je suis heureux de voir, Messieurs, qui tout en redoutant que ce règlement ne donne lieu à penser que le Gouvernement François ait l'intention de poser sa domination territoriale en Chine, vous ne partagerez en aucune manière ce sentiment. Vous êtes en ceci, Messieurs et chers collègues, tout-à-fait dans le vrai. En effet, la seule intention du Gouvernement François est de conserver les droits que le Gouvernement Chinois lui a concédés en vertu de l'article 22 du traité signé en 1844 entre M. de Lagrenée et le Gouvernement Chinois.

Je puis donc vous donner la ferme assurance, MM. et chers Collègues, que le Gouvernement François n'a, ni le désir, ni la plus légère intention de diminuer en quoi que ce soit les privilèges des habitants de Shanghai, à quelques nationalités qu'ils appartiennent; pas plus que de revendiquer des pouvoirs extraordinaires en Chine.

Je regrette, toutefois, en terminant, de ne pouvoir accéder à vos desirs en retardant la publication du règlement en question, jusqu'après la réponse de vos lettres à Peking. Mes

ordres

ordres sont trop positifs pour que je puisse les enfreindre à ce point. Mais pour vous être agréable, et vous prouver tout mon vif désir de marcher toujours d'accord avec vous, je prends sous ma responsabilité de ne rendre ce règlement exécutoire qu'à partir du premier Septembre - prochain, au lieu de l'être à partir de ce jour, ainsi que le portait mes instructions. Il n'y aurait qu'en le cas où la commission provisoire donnerait sa démission et que M. M. les propriétaires fonciers voudraient prendre en mains, avant cette époque la direction des affaires de cette concession, que je me verrois obligé de la rendre exécutoire plus tôt.

Veuillez agréer, Messieurs et chers
Collègues, l'assurance de ma consi-
dération la plus distinguée

(signé) V^{te} Brunier de Montmorand

(Copy)

Dispatch, No. 36
Inc. D.

U. S. Consulate General.
Shanghai, July 11th 1866

Dear Sir and colleagues,

I have to own the receipt of your letter of yesterday, addressed to Dr Winchester and myself in reply to our joint-note of the 9th inst.

I have the concurrence of Dr Winchester in saying that by a ~~lapsus penne~~ the article to which special objection was taken, was misquoted as the XIV when the XV was meant. Each of us will at once communicate this correspondence to our respective superiors at Peking. —

For myself I desire to remark that, — your understanding of my position — touching these new regulations, as well as the old ones, is correct. Neither of these have been enacted in such manner, as to make them, in my opinion, of binding force as respects citizens of the United States.

The authorities of the United
States

States in China, as well as the citizens of the United States, residing at Shanghai, were however consulted in the preparation of the old Regulations, and the result is, that they have received such cordial support, that the absence of power to enforce them at law, has not occasioned inconvenience.

It cannot be expected that, like support will be given to Regulations in the preparation of which, neither the one, nor the other have been consulted, and which will be regarded as trenching upon rights of the first importance.

I have communicated a copy of this note to our colleague Dr Winchester.

I have the honor to be

Your obedient Servant-

(Signed) Geo. F. Seward

To

Vicomte Brehier de Montmorand

Consul General for France

Shanghai

U. S. Consulate General,
Shanghai, July 11. 1866.

Sir,

The treaties of foreign governments with China, and notably the treaties of the United States, Great Britain and France, provide for the complete removal of the citizens of these several countries from amenability to the government of China, and authorize each government to extend an intercurrent jurisdiction over its respective nationals. There is no treaty between the several foreign governments, or any of them, which grants to either or any of them, jurisdiction of any kind over the citizens of another or other power; nor is there any authority in the Chinese Government to grant such jurisdiction;

since

L. Wells Williams Esq. LL.D.
U. S. Chargé d'Affaires

since it has already renounced, in favor of the several nationalities individually, all its natural powers over their respective citizens

It is manifest, then, that to form at any port a municipal establishment which shall be enabled to levy taxes and collect them at law, qualifications of fundamental importance, it is indispensable that the authorities of the several nationalities shall concur in creating Regulations having such intent and effect.

The principle thus set forth has received general support. So long ago as 1854, a code of Land Regulations was framed by the consuls of England, France and the United States, then representing almost the whole of the foreign interests involved. They were approved by the ministers of those Powers, and by the Chinese Government through its local representative. They

have

have received from time to time the — sanction of other Powers, and nothing should have remained but to improve and enlarge them, as circumstances might demand.

The successive French consuls have, however, for a long time assumed peculiar powers over a portion of the general Settlement, which has become known as the French "concession." Without consultation with other consuls, one of them established a council, and thro' its agency created a police force. Upon more than one occasion, the writs of consular tribunals of other nations have been prevented from running in that quarter by the action of that police force, and the sanction of the consul-general of France for the time being. Englishmen and Americans have been arrested and thrown into prison, and held, pending the convenience of the police, without color of law.

It was hoped that in time,

natural

natural operations would induce our
Gallic neighbors, who are few in
numbers, and who have only been
able to carry on their peculiar
government by means of the juris-
diction which they have established
over the multitude of Chinese upon
their so called concession, to drop
these pretensions, and join with the
people of other nations, in perfecting
a general municipal establishment.

I regret, however, to inform
you that pretensions which have heretofore
been avowed only on the part
of the local representatives of the
French Government, have now been
affirmed by that Government.

I inclose a copy of a Notification
made this day in the public prints,
and I proceed to point out hastily,
as my time is short, the objections
to them which occur to me.

1st They provide, without refer-

ence

ence to the Chinese Government, or to any other government, for the establishment of a municipal organization upon Chinese territory, which is occupied by Englishmen and Americans, as well as Frenchmen, but chiefly by Chinese. Thus, nothing less than territorial dominion is assumed, irrespective of the rights or wishes of the vast majority of those affected.

2. The municipal organization thus created, or to be created, is so arranged, that French influence shall be ever paramount; five of the nine councillors, counting the French consul-general as one, will always be Frenchmen.

3. The Consul-general of France will not only be a member of the council, with a casting vote, but he will also have autocratic powers. He will prepare the lists of electors; he only will call meetings of the council; he will be empowered to suspend and dissolve the council; he, one

of

of its members, will be one of their arbitrators in questions arising between persons of other nationalities and the council; he will have a veto upon the acts of the council; his consent must be procured to appointments in the municipal service, and he may remove any or all incumbents; he will be charged with all things connected with the preservation of order; his consent and coöperation must be had before any action can be taken on the part of the tribunals of other nations within the limits of the so-called concession.

4th. Appeals of the council itself against the consul-general will be to the French Minister at Peking, but only in cases enumerated.

I have, in conclusion, to point out, that the assumption of the French Government in this matter, is in direct violation of the principles which have always been up-
held

held by the Government of the United States, which were assented to long since, by the British Government in particular, and more recently by the ministers of Great Britain, France and Russia; (Vide Mr. Burlingame's letter to me of 15th June 1864, and the references made therein,) and to declare my opinion, — that in case the government of France is not led to disavow the assumption, other powers will attempt to imitate her example; and thus will be sounded the prelude to the great work of breaking up and appropriating China.

I inclose a copy of a note addressed to the French Consul-general by her Britannic Majesty's consul and myself jointly; also of his response, and of my rejoinder. One object was, by preventing the publication of the new rules, to render their reconsideration more easy.

I have the honor to be,

Sir

Your Obedient Servant

Geo. F. Seward

Legation of the United States,
Peking, July 30. 1866.

Sir,

I have to acknowledge your dispatch N^o. 57 and its inclosures, relating to the new code of R^èglement^s issued by the French consul-general for the government of the so-called French concession, and to commend their spirit and the entire coöperation you have carried out with Her Majesty's consul in the correspondence.

There are some objectionable points connected with the publication and purport of these R^èglement^s, and their general bearing has been fully discussed with Her Majesty's Minister (to whom I showed your dispatch) and with the Russian and Russian ministers. I inclose a form of Protest, which expresses our views in relation to the R^èglement^s, and to which

you

George F. Seward Esq.

U. S. Consul-general

you can get as many consular signatures as possible. Sir Rutherford Alcock is writing to Dr. Winchester upon the subject, and it is important that you and he continue to act in entire accord in relation to this matter, whatever ~~the~~ rule of action the other consuls may see fit to adopt.

I notice in your reply of July 11th to Viscount de Montmoran and the remark, that in your opinion, "neither the old nor new regulations have been enacted in such a manner as to make them of binding force as respects citizens of the United States." If you mean by new regulations those recently issued by the French consul general; and by old those in operation since 1854, it seems to me that you have placed two very different things in one category.

If it be that you regard the latter as not of binding force upon American residents in Shanghai, because

because they were not issued by Mr. McLane as a Decree, and approved by all the U. S. consuls in China; it seems to me that their local nature, their character of joint issue or sanction by the only foreign Ministers then in China, and their tacit acceptance by the Government at Washington for twelve years past, gives all the reasons for the exceptional form and sufficient approval to their validity and binding nature that can be required.

I should be pleased, however, to learn the grounds of your opinion; but meanwhile, I wish you to assure the French consul-general that your private opinion will not conflict with your intention to carry them into full effect until they are annulled by the same authority. I regret that I misunderstood the purport of your question last year as to the legal nature

nature of the Land Regulations
at Shanghai, as my reply has led
to the impression that we differ
on this point, which I think is
not really the case.

I am, Sir,

Respectfully,

Your Obedient Servant

J. Wells Williams

Draft for a Notification on French
Règlements. (To be issued by the Con-
suls and Representatives of other Powers
at Shanghai, as a collective note and
protest.)

Whereas, the treaties of fo-
reign Powers with China provide for
the complete removal of their respec-
tive subjects from the territorial -
jurisdiction and all amenability to
the laws or government of China;
and authorize each Government to
extend jurisdiction on Chinese soil over
their respective subjects: -

Whereas, there is no treaty
between the several foreign Powers
or any of them, which grants to either
or any of them jurisdiction of any kind
over the subjects of another Govern-
ment; nor is there any authority in
the Chinese Government to grant
such jurisdiction, since it has al-
ready renounced in favor of the se-
veral nationalities all its natural
powers

powers over their respective subjects: -

It is manifest, that to form at any Chinese port a municipal body which shall be enabled to levy taxes and to collect them at law, it is indispensable that the authorities of the several nationalities shall concur in creating the rules or regulations having such intent and effect.

Whereas, moreover, the principle thus set forth has heretofore been recognized and acted upon so long ago as 1854, a set of Land Regulations having been framed by the consuls of Great Britain, France, and the - United States of America, then representing nearly the whole of the foreign interests - involved; which Regulations were approved by the Ministers of these Powers, and by the Chinese Government through its local representative; and these having from time to time received the adhesion of other Powers: it follows that, until as formally and publicly disavowed and annulled as their adoption was originally notified to all whom it concerned, such Regulations must be held to be valid and binding, in an especial manner

manner upon the three Powers abovementioned, whose ministers and consular representatives signed and promulgated them in the first instance. No such formal and public act of disavowal and nullification having taken place, and land and property having been acquired to a large amount under these Regulations, and on the faith of their application to the whole foreign location, as recited in the preamble to the aforesaid Regulations, by subjects and citizens of various foreign Powers, they must still be recognized and accepted as the Code of rules governing the legal status and municipal relations of all the foreign residents within the said limits, and no posterior act of any one of the contracting Powers alone, can invalidate the anterior rights of property and ex-territoriality duly and legally acquired.

In conformity with these facts and general considerations, the undersigned consuls and representatives of their respective nations at Shanghai, deem it incumbent upon them to -
declare,

declare, for the information and guidance of all whom it may concern, that they cannot recognize, and do hereby formally deny the competence of the French, or any other Government, of its own motion, without reference to and the formal consent of the other Powers interested, to promulgate any R^{eglements} or Municipal laws to be put in force on any part of the foreign settlements comprehended in the limitations defined in the Rules already cited and established by common consent. It must at all times be held incompetent to any foreign Power to make laws or rules operative on the subjects or citizens of any other State resident in the Chinese dominions; and no laws, rules, or regulations so promulgated, can be admitted as having any application or obligatory force whatever upon the subjects of another foreign state.

The undersigned deem it incompetent, in consequence, for the citizens or subjects of their respective nationalities to take any part in the establishment

or

or working of the Règlements lately — issued and promulgated by the Consul-General of France at Shanghai. They are not in a position to receive or give any vote, or take any part, either in the formation or working of a municipality or council so constituted. They are, by virtue of their nationality, outside the limits of its jurisdiction and independent of its action, and therefore disqualified from participating in any of its acts.

The undersigned, considering it desirable in the general interest, and the better to prevent misapprehension, that a public Notification should be made by the Representatives of each nationality whose ex-territorial rights are, or may be, affected by the Règlements emanating from an exclusive French authority, so serve as a formal and public protest against any undue assumption of a Power to render amenable to them, either individuals or nationalities not subject to the French Government; and being in full accord, they have here-

unto

Legation of the United States,
Peking, Aug. 3. 1866

Sir,

Referring to my last dispatch of 30^e ult^e and its inclosure, relating to the joint action proposed to be taken by yourself and the British consul as to the Réglements lately issued by the French consul-general for the future government of the so-called French Concession, I have now to request that will regard the form of Protest inclosed in that dispatch as a non-avenue, not at present to be acted on.

This change arises from the explicit orders which have just been received from the British Government upon this matter, preventing their consul at Shanghai joining you in issuing the protest; and as I think it not unlikely that some communication may

To

George F. Seward Esq.
U. S. Consul-general

may have also been made to the American Minister at Paris for the information of the President, upon the bearing of these Réglements, it will not be advisable to move in the matter until something definite is known. Besides, the Protest would lose much of its effect, unless the consuls of the other two Powers which were parties to the first set of Land Regulations should both sign it.

I am, Sir,

Respectfully,

Your Obedient Servant,

J. M. Williams

(Translation.)

Regulations
for the municipal organisation of the
French concession at Shanghai.

We, the Consul General of
France at Shanghai, in virtue of instruc-
tions received from His Excellency the Min-
ister of Foreign Affairs of His Majesty
the Emperor of the French, publish the
following dispositions, to be in force from
the first of September next, unless some
circumstance, measure or order between
now and then oblige the Consul General
to execute them sooner.

Article 1.

The municipal body of the French
concession at Shanghai is composed of
the Consul General of France and of
eight municipal councillors, four of
which are French and four foreign, all
to be chosen by election.

The municipal councillors are cho-
sen for two years; they are renewed by
half every year.

During the session after the first election, the order of renewal shall be determined by lot.

The places of councillors who die or resign are filled at the same time as those whose time has expired.

Article II.

All frenchmen and foreigners of 21, are electors under the following conditions:

1. Those owning ^{real} property, with a good title, within the limits of the conception;
2. Those renting land in the conception and paying an annual rent of one thousand francs at least;
3. Those living in the conception over three months, with an annual revenue of four thousand francs.

Article III.

The General Council makes out the electoral list, revises it annually and convokes the assembly of electors.

The electoral operations are verified by the Municipal Council.

3

Article IV.

Every voter of 25 is eligible:

1. If he owns land in the concession that pays 240 francs yearly tax;
2. If he pays a yearly rent of 4000 francs at least, in the concession;
3. If he lives in the concession and can prove a yearly revenue of 10,000 francs.

Municipal officers whose time expires can be re-elected.

Article V.

The ballot is secret. The vote is by list. Each list must comprise an equal number of french and foreign residents.

The french residents who have a majority of votes make a part of the Municipal Council. Candidates of other countries who get the greatest number of votes, shall also be members of the Council.

One or more Chinese notables, or chiefs of corporations, designated by the Consul General and the Tactai, may be admitted in consultation, if the Council consents to it.

Article VI.

The Council will not assemble till called together by the Consul General.

It may be convened whenever half the members petition it in writing.

The Consul General may convene it whenever he thinks it necessary.

Article VII.

The Consul General has the right to preside over the Council.

The other officers shall consist of a Vice President and a Treasurer chosen by the Council every year from its members.

Deliberations are decided by a majority. In case of a tie, the President decides.

Article VIII.

The Consul General has the right to suspend or dissolve the Municipal Council, but must give his reasons for it to His Excellency the Minister of Foreign Affairs, and to the Representative of the Emperor at Peking. The suspension must not exceed three months. In case of dissolution

5

the electoral assembly must be convoked in six months from the time of the dissolution. In the mean time, a provisional commission formed by the Consul General, takes the place of the Municipal Council.

Article IX.

The Municipal Council shall discuss the following subjects:

1. The municipal budget of receipts and expenses;
2. The Tarif for collecting the municipal revenues;
3. The regulation of dues among the tax payers;
4. Petitions for exemption or reduction of tax;
5. The mode of collecting the tax;
6. The purchases, sales, exchange and location of municipal property;
7. Opening streets and public squares, building wharves, piers, bridges, canals, straightening of streets, location of halls, markets, slaughter houses and burial places;
8. Labors to promote health, and work on roads;
9. Seizure for public use. A committee composed of the Consul of the person whose property is seized and the Consul General of France.

6
shall fix the indemnity due to the person whose property has been taken; in case of a disagreement between the two consuls, one of their colleagues shall decide, the proceedings to be confirmed by the consuls at Shanghai, deciding between the Municipal Council and the landed proprietor or tax payer in the French Concession.

10. Regulations concerning roads and the public health; 11. And upon all other subjects to which the attention of the Council is called by the Consul General.

Article X

The deliberations of the Municipal Council are not in force till signed by the Consul General. The Consul General must execute every deliberation of subjects in paragraphs I to VI of the preceding article within eight days.

The Consul General may refuse to execute a deliberation of the Municipal Council on the subjects enumerated in paragraphs VII to XI of the preceding article, provided it be confirmed by the

7
Minister of France in Peking, who must
be consulted without delay.

The execution of the deliberation is
suspended till an answer is received from
the Legation.

Article XI.

The sessions of the Municipal
Council may be public, and the debates
in secret session may be published ac-
cording to special decisions of the Council
approved by the Consul General.

Sessions in which the Council fixes
the annual budget of receipts and expen-
ses must always be public, unless a ma-
jority of the Council opposes it.

Article XII.

The Municipal Council has charge
of highways, water distribution, lighting
the streets, municipal property, execu-
tion of works of public utility, fixing
the tax lists, and collection of the mu-
nicipal revenues. It will also prosecute
delinquent tax payers.

The Council elects its Secretary.

It also appoints all employes in the municipal service, and suspends or revokes their commissions.

Article XIII

The Consul General is charged with the preservation of order and public safety in the limits of the conception.

It has charge of the police force, the expenses of which are paid by the municipality. It appoints their agents, suspends or revokes their commissions.

Article XIV

Violations of road regulations are tried by a delegate of the Municipal Council, with appeal to the Consul General.

Violations of police regulations are judged by the Consul General or one of his officers.

In case of prosecution for non payment of taxes the municipal receiver summons the delinquent before the consular court.

Apoyes: the right to summon
an ass. before the J. C. Court.

9

Article XV

If the person tried for one of the three causes mentioned is not a frenchman, and objects to the competency of the judges, he must be sent before the judges of his nation.

Article XVI

No foreigner can be arrested within the limits of the conception by order of a judge or foreign court without permission from the Consul General of France or one of his agents.

Article XVII

The Consul General, when he thinks proper and after consulting the Municipal Council, may call an extra assembly of the electors, and even all the french and foreigners who have no vote in the conception, to get their opinion on questions of general interest to be submitted to them.

Article XVIII

In case of absence of the Consul Gene-

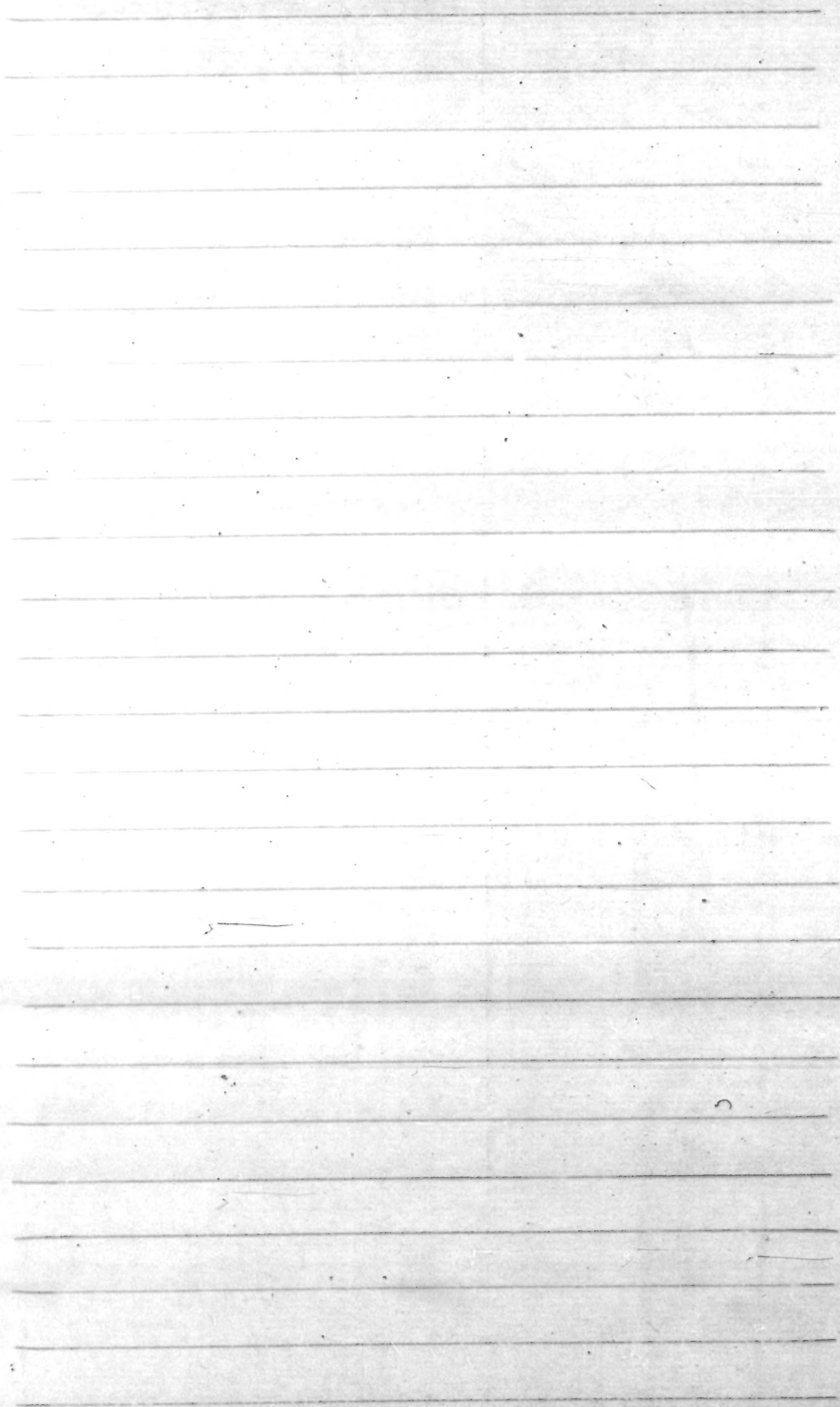
ral or vacancy in his office, all the powers and prerogatives conferred upon the Consul General by the present regulations shall devolve upon the agent of the consulate.

Note: - After consulting the Municipal Committee and the principal members of the community, the Consul General reserves the right to make any changes in these regulations he may deem necessary to the interest of the community and compatible with his responsibility to his Government. By the 25 of this month the electoral lists shall be made out and deposited in the Mayor's Office, where they shall be verified by the municipal committee; they shall then be made public, and the electors shall have till the 10 of August 1866, to make their remonstrances or present their titles by virtue of which they may vote or be candidates. These titles and reclamations shall be examined by the municipal committee, to which the claim

ants shall make application.

The time for holding the elections,
and the details concerning the mode of
voting, and the nomination of munic-
ipal counsellors shall be made known
hereafter.





Shanghai 10 July 1866.

My respected colleagues,

Your joint letter enclosing the english translation of the new regulations of the municipal organisation in the french concession reached me yesterday evening.

Allow me to make a few hasty remarks on its contents:

In the first place, I cannot expect my honorable colleague from America to aid me in enforcing these regulations against his countrymen, when he could not do it with the Land Regulations in force in the English

conception; for, if my memory is not in default, I think I have heard him say several times he was not authorised to do it in any municipal regulations.

I hope however that steps will be taken in Peking, or elsewhere, that will permit you both, as well as myself, to enforce any municipal regulations that are, or may be established in Shanghai, for the benefit of our respective countrymen inhabiting that place.

On the other hand, you point out article XIV as objectionable because you think it restricts your right of ^{extra-territorial} jurisdiction.

tion in China. But Gentlemen,
I really think if you had exam-
ined article XIV or article XV,
you would have seen the respect
the French Government has shown
to the jurisdiction of other na-
tions and their consuls at
Shanghai.

Yes I am happy to see,
that, though you fear these regula-
tions may give cause to believe
the French Government intends
to extend its territorial dominion
in China, you entertain no
such idea. You are right in
this case, I am sure. In fact,
the only intention of the French

Government is to preserve the
rights the Chinese Government
has granted it in virtue of
article 22 of the treaty signed
in 1844 between Mr Lagrenée
and the Chinese Government.

I can then give you
the firm assurance that the
French Government has not the
least intention or desire to
diminish the privileges of the
inhabitants of Shanghai, to
whatever nation they may
belong, or to claim extraordi-
nary powers in China.

I regret however in
conclusion, that I cannot ac-

cede to your wishes in delaying
the publication of the regula-
tions in question till you hear
from Peking on the subject. My
orders are positive, and I can-
not disobey them. But from
courtesy, and to show you my
wish to harmonise with you,
I take the responsibility to delay
the execution of the regulations
till the first of September, in-
stead of carrying them into ef-
fect immediately, as I was in-
structed. I shall not be obliged
to enforce them sooner unless the
provisional committee resigns,
or the landed proprietors under-

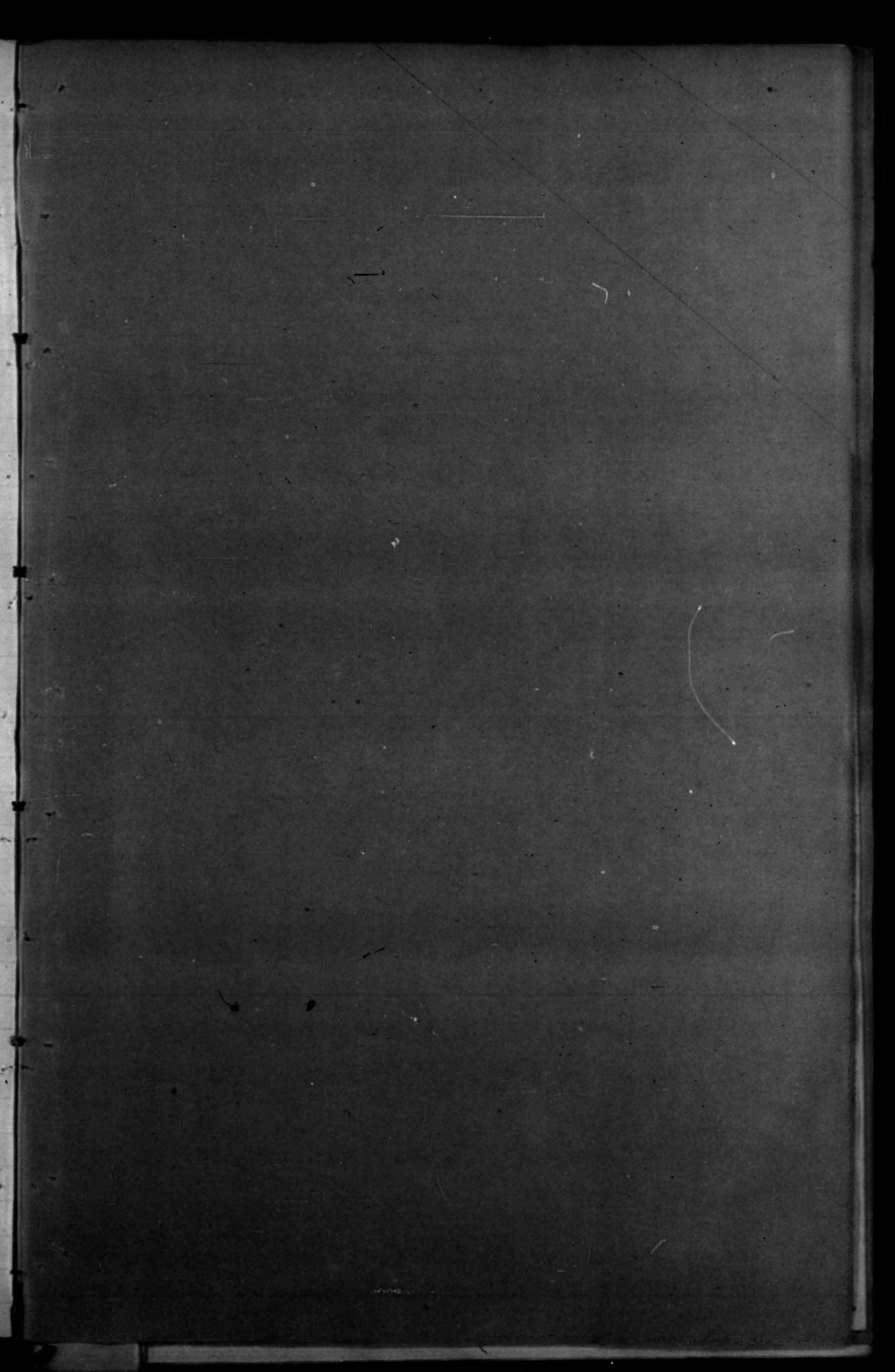
Take the management of affairs
in the conception before that
time.

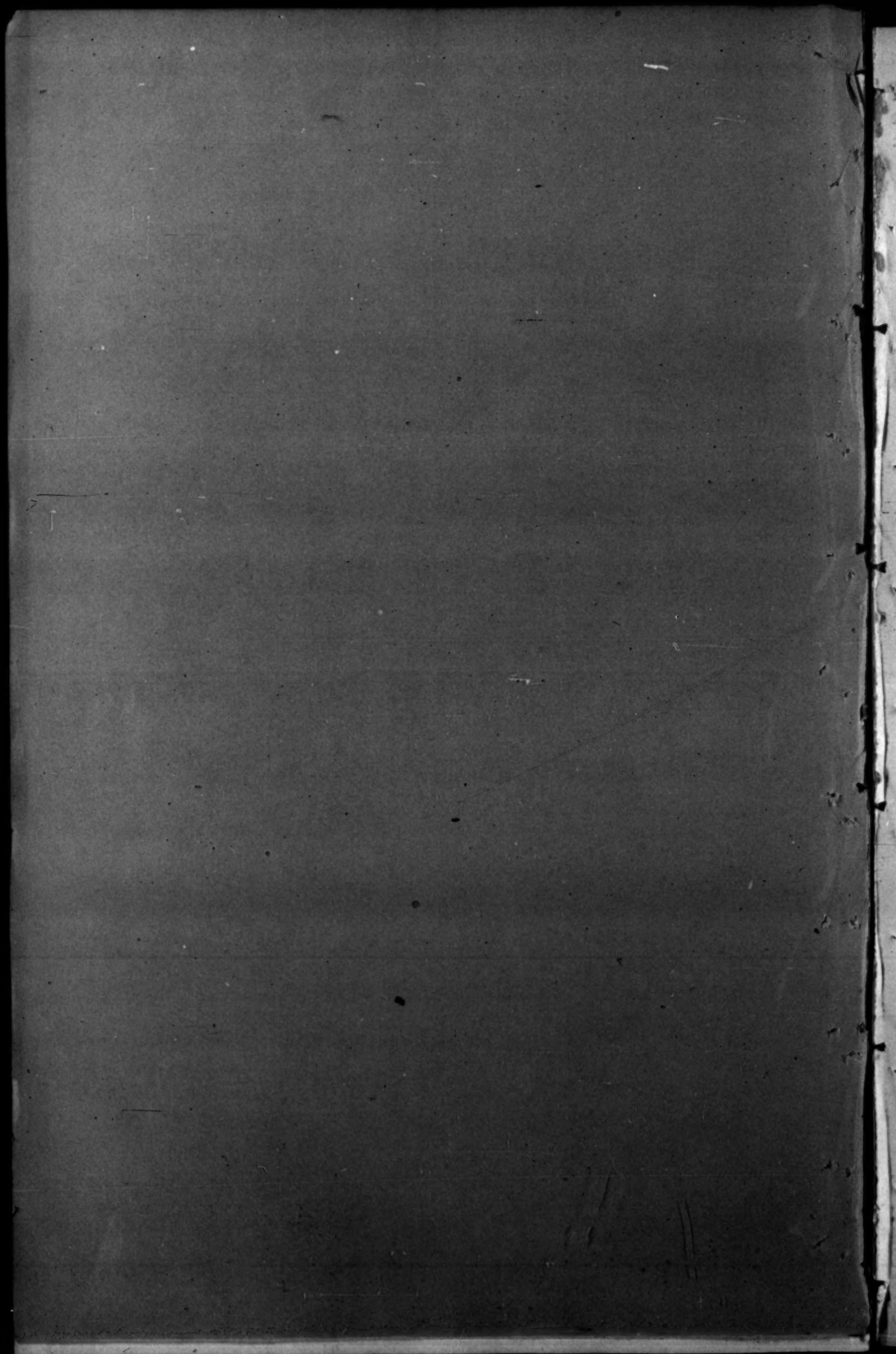
Please accept the asse-
rance of my most distinguish-
ed consideration.

(signed)

Vicomte Breuvier de Montmorand.







RECEIVED,
Dept. of State,
NOV 15 1866

No 37.

and 4³⁷

Legation of the United States,
Peking, August 8. 1866.

Sir,

It has been reported -
that a dreadful execution of two Ro-
man Catholic bishops and ^{nine} priests, be-
longing to the mission in Corea, to-
gether with a large number of native
Christians, took place in March last, -
attended by circumstances of great bar-
barity, and under the direct instiga-
tion of the highest authorities of
that country. Three priests escaped
arrest by hiding in the mountains,
one of whom named Ridel, afterwards
succeeded in escaping in a shallop -
manned by his native friends and co-
religionists, to Chifu. The other two are
supposed to be still alive in their
retreats.

The
To
Hon'ble William H. Seward
Secretary of State.

The French admiral was at Chifu at the time, and learned all the particulars of this affair from the refugee party. He has since determined to visit Corea at the head of all his available land and naval force, and obtain satisfaction for what seems to have been an unnecessary outrage, - for it was very easy for the Koreans to have sent the missionaries over their borders. He has already dispatched a gunboat or two to survey the coasts and channels leading up to the capital; and has himself gone to Shanghai (and Saigon if necessary) to prepare his expedition and return in October.

The full account of the proceedings of the Korean authorities, and what previous acts aroused their fears, or stirred their anger, to suddenly resort to these severe measures to repress the new faith, will, I suppose, be known by and by; but enough has been done

to furnish an excuse to the French authorities to interfere on the behalf of their countrymen living in Corea. It will probably result in opening the last country in the world which still forbids Europeans to travel or settle in it, and establishing the dominant influence of Christian nations throughout the entire globe; if nothing worse to the independence of the Korean peninsula.

It is rumored here that the Koreans have applied to the Chinese for help to oppose the French, but they can receive no aid from the Middle Kingdom.

I have the honor to be,
Sir,

Your Obedient Servant
J. M. Williams

N^o. 38. Seven Inclosures

RECEIVED,

Dept. of State,

NOV 15 1866

Legation of the United States,

Peking. August 10. 1866.

Sir,

Referring to my dispatch
N^o. 30 of April 12^e, I have now the honor to
send you some additional documents con-
nected with the same affair of the dese-
cration of the cemetery at Tangchau, which
has been again brought before the autho-
rities by Consul Sandford and Commander
Townsend of the U. S. S. "Wachusett."

Desecration
of Ceme-
tery at
Tangchau

The first (Inclosure A) is the report of
Mr. Sandford of the results of their inter-
view with the prefect of Tangchau, with
remarks on the reply of the Intendant (Inc.

Inc. B.

B.)

Honible William H. Seward

Secretary of State

B.) to their complaint of the cavalier treat-
 ment they had received from his subordi-
 nate. The dispatch of Prince Kung (Inc.
 Inc. C. C.) respecting the same visit, and my
 Inc. D. reply (Inc. D.), together with a letter from
 Inc. E. Commander Townsend (Inc. E.) and my
 Inc. F. answer (Inc. F.) to him, and his to the
 Intendant on his departure for Shang-
 Inc. G. hai (Inc. G.) completes the series of do-
 cuments now sent. The others connected
 with the proceedings add nothing ma-
 terial to the facts and opinions herein
 stated; and if it was not for the dogged
 obstructiveness of the Intendant at Chifu,
 to any arrangement of the matter, I
 should have hopes of an earlier set-
 tlement.

Dilatory
 Policy of
 Chinese
 Officials

The policy of the Chinese Gov.

ernment

ernment, both here and in the provinces, has latterly been, apparently, to delay as long as possible in settling a case, do nothing that costs them trouble, and try to weary out all applications by the power of their vis inertia. The stimulus or the fear caused by the approach of foreign troops to Peking six years ago, is losing its former potency. It is very wearisome to be obliged to constantly urge the members of the Foreign Office to do their duty, and oblige the local authorities to fulfill treaty stipulations whenever our citizens suffer wrong, while at the same time one feels that they either cannot, or will not, or dare not, act efficiently. I think, sometimes, that they have become utterly discouraged with the multiplicity and ur-

gency

gency of the questions and grievances brought before them for settlement and reparation. The patience of foreign Powers will at last be exhausted by this do-nothing policy, and when each begins to vindicate its own rights upon refractory or recusant officials, at the ports, the whole fabric of Chinese Government will soon fall to pieces.

I have the honor to be.

Sir,

Your Obedient Servant,

J. Wells Williams

United States Consulate

Che-fu, July 19th 1866

Sir

I have the honor to inform your Excellency, that the "Wachusett" arrived at Yantai on Tuesday eve, July 10th. On the next day, Capt. Townsend, sending a boat for me, I at once called upon him and paid my respects. He had received orders from Admiral. Bell to proceed to T'ungchow and investigate the trouble there. Having called upon the Intendant of Circuit, Capt. Townsend, informed him that he was going to T'ungchow, & requested that he would write an official letter to the Prefect requiring him to settle this matter at once; he refused, saying that all was settled. Finding that we could do nothing, we left for T'ungchow, On Friday eve sent our cards to the Prefect, and owing to the storm did not call until Saturday, when

L. Wells Williams, L. L. D.

chargé d'Affaires

Peking

when accompanied by the Missionaries,
Mr. Davenport and Capt. Townsend, with
an escort of 100 men. The Prefect received
us in company with the sub-prefect and
the District magistrate (what his position
is I do not know). After some small talk,
we stated that we had come to demand
the arrest and punishment of the perpetra-
tors of outrages committed upon the person
and property of American Citizens, and
the indemnity of 200 Taels.

The substance of our conversation
amounted to this. We demanded that
the Prefect arrest the members of ^{the} Kung-
Kue, together with two others; that they
should be brought and tried before us;
then on their paying the indemnity, and
the authorities giving security that all
should be peace in future, he would be
satisfied.

The Prefect agreed to all except
to bringing

S. Wells Williams L.L.D.

Charge d'Affaires

Peking

to bringing them before us; but as we
felt that all would be useless, unless the
Kung Kue were punished, we insisted
on that point; at first we requested him
to give us in writing what had been agreed
upon, but he refused, promising that on
receipt of a letter from us, making these
demands, that he would give us in
his answer a guarantee. As some seemed
satisfied, we agreed to this; it was distinctly
understood that he was to arrest these
parties on the morrow, and to try them
before us; and that they might not escape,
the District Magistrate was informed,
and agreed that he was responsible,
the Prefect telling him that he should
require him to arrest them. It was all
fairly understood, and he was informed
what our letter would contain. He sent
our communications that evening. On
Sunday morning we received a couple
of letters one addressed to Capt Townsend
and the other to myself, informing us
that all our demands were contrary
to

to the Treaty, and that the American Minister had not communicated either with the Board of Foreign Affairs or with the Commissioner of the three Ports; therefore he declined to act authoritatively.

He accordingly left at day light for Yantai, calling upon us to follow him.

We immediately left for Yantai Sunday afternoon, Capt Townsend being desirous to communicate with the Admirals.

The Prefect by his course has grievously insulted Capt Townsend and myself, and he should be made to feel that to insult the Representatives of the United States is no small offence. His course has been such as to make us the laughing stock, besides detaining the Steamer for a long time, and should not be suffered to pass unnoticed.

He ought to have made his complaints before we left him, had he had any to make, but although he was fully informed, yet he made no objections but

but promised to arrest the men and
that they should be tried on Monday
at 2 P.M. Now his going off and send-
ing us such a paltry, insulting letter
ought not to go unpunished. Not only
so, but since my last letter to you
they have been to work again upon
the Cemetery, destroying the Tomb Stones;
and it is literally impossible now for
the missionaries to rent houses, they
having tried, but all to no purpose.
I therefore respectfully request that
such steps may be taken that shall
give unto the missionaries all the
privileges granted under the Treaty
and preserve the Representations of
the United States from insult, and that
the Kung Kue may be punished, as I
feel all will be in vain if they are not
punished. It was matter of regret
that the affair had not been laid before
the Board of Foreign Affairs at Peking,
as that is the loop hole through which
they seek to escape. Now although we
know

know that the excuse is worthless, yet,
it is one which hinders us much. I send
you copies of my dispatch to the prefect,
as well as his reply; you will notice that
I am requested to return to Yentai to
act conjointly with the Intendant
and himself. The next day after our
arrival, without having communi-
cated with us, he returns to Pángchow.
I may as well state that the reason
of Capt Townsend leaving Pángchow
was his desire to communicate with
Admiral Bell, but on reaching Chifu
— he found that the Steamer had
left the preceding day, and also learned
that the Admiral had left for Japan;
he was therefore obliged to rely upon
his own judgement. He sent a long
letter to the Intendant, a copy of whose
reply I furnish you, and as it will
probably be reported to Peking I desire
to criticise it.

1st "Gentry and scholars." No demand
was made to arrest any of these parties,
except

except Four, of whom there was strong proof
that they were the guilty parties. 2^d "Two
Taels indemnity; by the English Treaty, any
parties committing acts of depredation shall
make good the damage done. 3^d "Guaranty,"
was simply an official statement, agree-
ing to protect the rights and interests of the
American Residents. 4th "They ought, &c."
now the missionaries have a perfect
right to address the authorities in the
places of their residences; they, as well as
myself, have repeatedly laid the matter
before the authorities at Paochau and
Yentai, but all in vain, the Intendant
has told me that his orders were not ob-
eyed at Paochau, and requested me
to take the matter into my own hands.
5th "The Captain has no right to take
action," a grosser insult - I hardly think
could be written. The Intendant is a
man who has the reputation of being
intelligent, & for him to write in this
style is a great insult. 6th "The Prefect-
Subordinate" which we do not deny
but

but Captain Townsend requested him
(the Intendant) to give us an official letter
to the Prefect before he left, but was
refused. 7th "Local Public Business" you
will please notice the glaring discrepancies
(I ought to say falsehoods) by the Prefect's
letter, his whole object in coming to
Yentac was to consult with his supe-
rior officer, and he invited us to meet
him here that we might act conjointly.

8th "Deserted his Post." I feel that there is
every ground for so saying; he had
faithfully promised Captain Town-
send and myself to arrest the parties
and bring them before us for trial
on Monday. His letter informing
us of his departure for Yentac was not
received till he had been gone at least
three hours; and if a most solemn
promise is of no account in their eyes
they should be taught that we regard
it differently. 9th "No communication
has been received by me; it may
be that, thinking I had not returned
from

from Pángchow he sent my letter there
10th. I feel that to allow him that ground
is decidedly wrong. 11th "Instructed him
to return"; this act shows more than
ought else, the animus of the Intendant;
fearing to have us assemble together,
he ordered the Prefect to return, so in
case we should ask any unpleasant
questions, he could reply, he must com-
municate with the Prefect, and so
delay us, and if possible oblige us to
give up in despair. 12th "Report to the
Commissioner"; what he means by
that I am at a loss to understand.
Capt Townsend's letter was firm but
respectful; he stated only facts and
the truth; the Prefect did desert his
post, and to tell him so can be no
insult. 13th "Investigate and settle"
I would most respectfully but finally
deny his right to act thus, the Treaty
does not say that all and every dis-
pute shall be sent to Peking, but by
the XI article it is the duty both of him
and

and his subordinates to act justly &
promptly in settling this matter; if
he can establish the precedent of
referring every trifling affair to Peking
it will be bad; It is all important
that the trial come off at Pingchow,
the offences were committed there, and
all of the parties, both witnesses and
criminals are there; by what right
can he refer this case to Peking to
be settled? Capt. Townsend and my
self have endeavored to treat the au-
thorities here and at Pingchow with
all the respect possible; yet, their con-
duct to us has been such as to require
much patience and forbearance, they
act as if it were a light thing to insult
the Representatives of the United States
Government. Now by the last clauses
of the 18th & 19th articles of the Danish
Treaty, "If any officers fail or neglect to
punish those who have been guilty
of offences against ^{they} Foreigners, are to be
punished themselves by their own
government"

"government;" and not only have these
authorities failed in punishing
these parties, but have done all they
could covertly to assist, and on being
requested to arrest and punish, by
Capt Townsend, have insulted both
him and myself by this course of action.
I desired Capt Townsend to arrest the
parties himself, as by the XIth article we
may exercise the right; but owing to
orders from Admiral Bell he will
first go to Shanghai and then return.
I would most respectfully request
that you will (if possible) have the
case referred back to Che-foo for settle-
ment, as it is all important that it be
settled at Páng-chau fu

I am very Respectfully

your obed^t servant

(Signed)

E. J. Sanford

U. S. Consul

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Par, Intendant of the Tang Lai, and
Ting, circuit, Y^e Y^e, makes a communication
in reply.

At 10 o'clock last night, the Inten-
dant received a dispatch from the Captain,
with the contents of which he is thoroughly
acquainted. In regard to this matter the
Prefect of Tangchau came to Yen tai yes-
terday, and reported that the Captain and
the Consul Sandford had severally sent
communications to him requesting that
the gentry, and scholars of the place
should be arrested and tried in their
presence; that 200 taels should be given
as compensation for the tombstones; and
that the Prefect of Tangchau together
with the sub-prefect and magistrate of
Punglai district, should give a sealed
guaranty. These three clauses are in
no wise contained in the treaty; and
moreover when missionaries of the sev-
eral countries promulgate their doctrines
in China, or have affairs with the nation,
they ought in accordance with the
treaty.

treaty, to address themselves to the Consul of the country residing at the Port, that he may communicate with the Intendant that the matter may be carefully deliberated on, and settled, these being matters in which the Captain has no right to take action.

The above mentioned Prefect of Yang-chau is the subordinate of the Intendant, and in no matters between Chinese and foreigners can he take upon himself to act without having previously received instructions from the Intendant.

He came to Gon-tai to request instructions from the Intendant on local public business, which is in accordance with the fixed rules of action in our country; what ground is there then for saying he deserted his post, and ran away? For these reasons the Intendant yesterday communicated on the matter with Consul Sandford, that he might take the necessary steps and make a reply. He also strictly enjoined the
Prefect

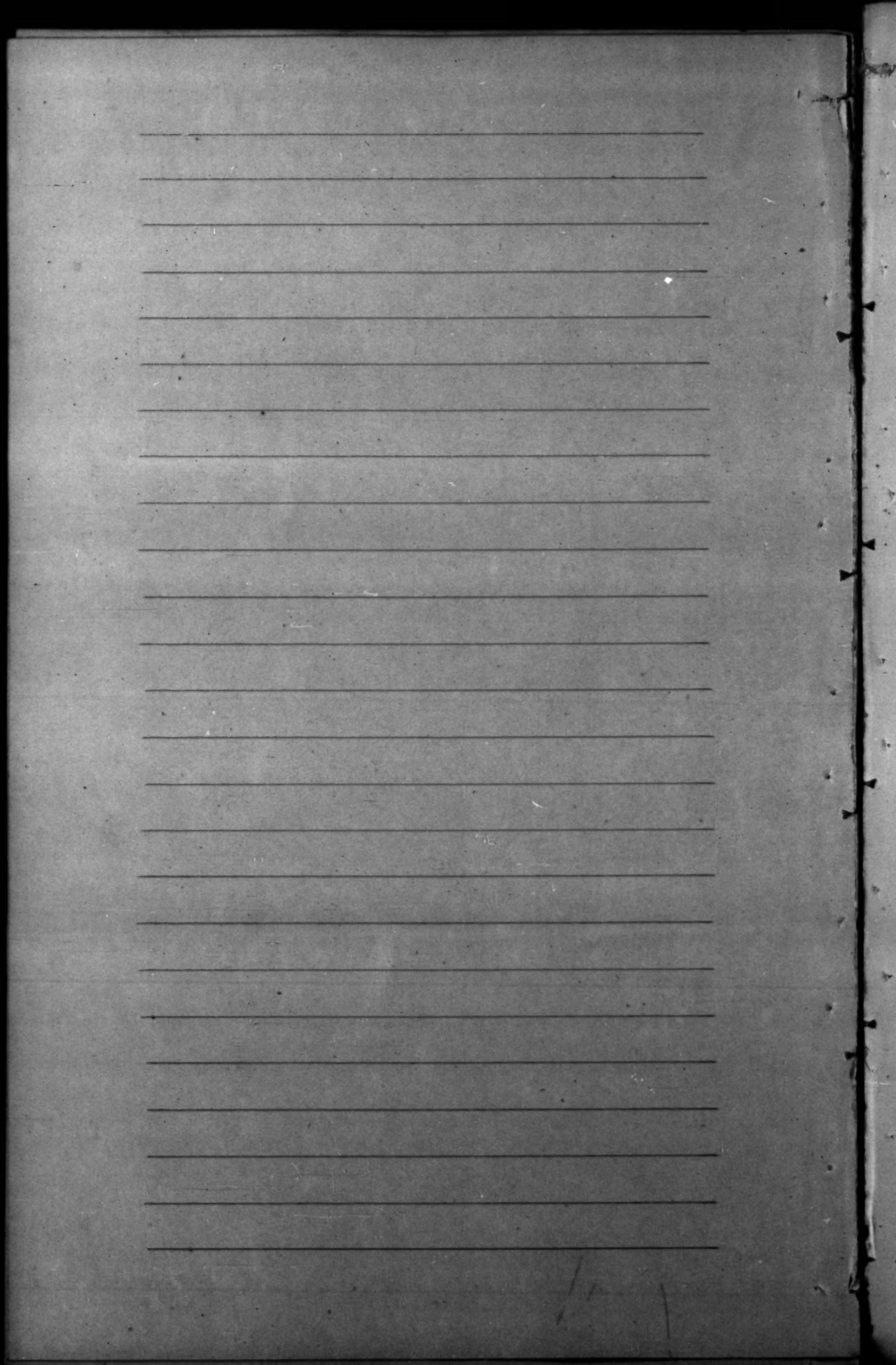
Perfect of Tángchau to the effect, that here-
after whenever affairs occur between Chinese
and foreigners, he must do nothing unauthor-
izedly, but write to the Intendant for insten-
tion, and act in accordance therewith; he
also instructed him to return immediately
to Tángchau and transact affairs as usual.
Now on receipt of the above mentioned
communication the Intendant will, in ac-
cordance with the 10th Article of the American
treaty, report the affair to the Commissioners
of the three Ports, that he may write to the
Board of Foreign Office, who will in con-
junction with the American Minister in-
vestigate and settle the matter, thereby con-
forming to the treaty and maintaining
friendly relations.

The Intendant therefore makes
this reply, requesting the Captain to
act accordingly.

A necessary dispatch.

Captain Townsend, U.S. Navy

July 17th 1866.



Prince Kung, chief Secretary of State for Foreign affairs, herewith sends a communication.

On the 23^d of July, I received a dispatch from [Tsungku] the Superintendent of Commerce at the Three Northern Ports, inclosing the following report from the Collector of Customs in Shantung:-

"Very unexpectedly, on the 16th July,
"Captain Townsend of the United States navy,
"bringing the American Consul Sandford and
"the missionaries, Messrs. Mills, Hartwell and
"Crawford, attended by more than a hundred
"armed foreign soldiers all marshaled in order,
"came to the office of the prefect of Tangchow. -
"The prefect came out and met them, when
"directly Mr Hartwell began to gesticulate and
"wildly stamp about, crying out in a vociferous
"scolding manner, and demanding that the
"prefect must arrest those of the gentry who were
"preventing him & others from renting houses, &
"bring them there to the office to be tried and
"punished before Capt Townsend. He also demand-
"ed that a compensation of two hundred taels
"be paid for injuries done to the cemetery and
"its tombstones; and lastly, that the prefect,
"sub-prefect & district magistrate should jointly
promulgate

"promulgate an official notification under their
"seals guarantying them against further injuries.
"If these three demands were not conceded, they
"intended to resort to force.

"The prefect told them that having
"received no instructions respecting these matters
"from his superiors, he could not promise to
"accede to their demands; and after reasoning
"with them three hours he at last got them
"to leave the office; but not before the people
"living near there had begun to assemble in
"a tumultuous manner, complaining that
"the foreign soldiers had been intruding in-
"to their houses and carrying off things, and
"had even wrenched the bracelets off one
"woman's hand, and had so terrified another
"woman over seventy years old that she had
"gone into convulsions, from which they feared
"she would not revive. They had also gone
"into a public school and scattered the books
"and papers about; and had recklessly used their
"swords to injure and cut things before people's
"houses. Just then the literary chancellor of
"the city was coming to his office, where the can-
"didates were assembling in great numbers for
"examination, and the violence of these soldiers
"being threatening the local authorities had
"the

the greatest difficulty in preserving the peace
and preventing a general collision and riot.

"However, the prefect immediately -
"afterwards came by night over to Chifu to state
"the affair to me; and I subsequently received -
"a letter from Capt. Townsend, in which -
"he requested, that, as the prefect of Tangchau -
"had run away from his office, I would give
"orders to the proper officers to carry out the three
"requests he had made into effect, for if there
"was any delay in doing so, blood could hardly
"wash out his anger.

"I have since learned that this Captain
"Townsend is the same man who at 'Ginger' -
"violently arrested a Chinese named How, and
"21 other persons; and that the American Consul
"Sandford is the same man who is engaged
"in business in the Ting-mei (i.e. Sino-American)
"Foreign Hong in company with Mr Hwa-ni as
"a partner."

In respect to this affair, I may remark
that since the foreign treaties have been ratified,
every affair growing out of them has been man-
aged & settled by the Consul of the respective
nation and the Intendant of Circuits; but if it
was a more serious matter, which they could
not settle between themselves, each party re-
ported the case to their respective superiors
at

at Peking, and waited until the Foreign Office had conferred with the minister upon it, and each had instructed them how to act. This has been the uniform practice with all nations for these past years, and no one who is not a consular officer has been permitted of his own motion to interfere by violence to settle any affairs.

The dispatch now received from the Superintendent of Commerce states that the U. S. naval Captain Townsend, with Consul Sanford, and the missionaries Hartwell, Mills, & Crawford attended by more than a hundred armed soldiers marshaled in order, came to the office of the prefect of Tängchow, and loudly demanded of him that he should arrest some gentry who had prevented natives renting their houses. They also required that compensation should be paid them for mutilations & injuries done to their gravestones. This Captain Townsend is doubtless the same officer who without any reason arrested the man Hu and twenty-one other persons at Yungler, but while that matter is still unsettled, he straightway goes to Tängchow, and takes occasion to stir up this disturbance.

In his dispatch to our officials, he says that he had received orders from the United States' Minister at Peking to manage these things, which if true proves that your
Excellency

Excellency is already aware of all these things. But why did you not in that case ~~meet~~ with the members of the Foreign Office and confer upon the matter? If such orders were sent to Captain Townsend, it is entirely different from what H. E. Mr. Burlingame has ever done; and furthermore quite unlike any thing which you, who have lived so many years in China and attended to so many affairs, have hitherto done. You have both always been willing to discuss all affairs with entire frankness. It may be however, that Captain Townsend, in saying, that he had received official orders from you, was in error; and that what he has done was not by your directions.

In respect to this demand to arrest the gentry who had prevented people renting their houses [to the missionaries], it seems to me to be sufficient to allude to the case of the Rev. C. R. Mills who took possession of the house of the widow Hwang-Chang, a matter that was entirely arranged by the local authorities and the Consul; the widow has paid back all Mr. Mills' outlay for repairs, and he has received the money, and has no complaint. Also, in the case of Rev. P. J. Crawford, who leased a house of one Chiau who got the deed of purchase

purchase of one Sun, the local officers required Sun to vacate the premises to Mr. Crawford, and thus they were secured to him peaceably. In these two instances, now settled, the gentry did nothing to prevent anybody renting ~~the~~ houses.

The affair of desecrating the cemetery and injuring the tombstones at Tangchau is one which you have not reported to this office. By the report of the Intendant, it appears that the district magistrate there allowed an American named Danforth to occupy a vacant spot on the hill-top called Siau Hwang-kin or Little Gold Hill, as a burial-ground, charging him no rental for it. Although it is true that the tombstones there have been defaced and broken, still it is because the Americans have never hired any one to watch the spot. Orders have been issued to search out & arrest the offenders, and proclamations put forth forbidding further molestation. In all this affair too, the local authorities seem to have done what they could; and it is but right to wait till they can arrest and punish severely every offender. — What need there has there been, to call in the aid & presence of soldiers, and endeavor by violence to intimidate the officials, and force them to pay an indemnity for

for these injuries?

In respect again, to the charge — against the prefect of running away from his post at Tángchau, it was enough for him that the business in hand belonged to his superior, the Intendant of Circuit, to manage, which quite justified him in going himself to Chifu to state the matter. He wrote to this effect to both Captains Townsend & Consul Sandford before he started. What object has the former therefore in thus defaming his character, and recklessly charging him with having run away from his post?

Lastly, it is stated that the ungoverned soldiers robbed the people of several things, & terrified an old woman into convulsions. — On this point, it is enough to state, that our laws make robbery, and threatening people so as to endanger their lives, offenses of the highest grade, and when the replies to the orders now sent to inquire what articles were stolen at this time, and whether the old woman has recovered or not, come to hand, the particulars shall be made known to your excellency.

The treaty between China and the United States has been in force many years, and every effort should be made to strengthen the peaceful relations between our countries, and not resort to force on every occasion, with the expectation that it will carry a thing through. With what ideas does Captain Townsend thus take upon himself to land soldiers at Yingtze & Tángchau and stir up strife and confusion? If Your Excellency is appointed to reside in China to see that

that-treaty provisions are carried into effect-
and observed, it is impossible to suppose that
you can permit any subordinate officer to act
just as he pleases, the meanwhile you neither
seeing nor hearing any thing that he does.

I have therefore carefully gone into detail
in the present communication, and have
every reason to hope that you will examine
this affair thoroughly, and do all that you can
to maintain peaceful relations.

To H. E. S. Wells Williams

Chargé d'affaires of U. S. to China

July 29th 1866. (Tungchi, 5th year. 6th moon
18th day.)

Legation of the United States

Peking Aug 1st 1866

To His Imperial Highness Prince Tung

dc

dc

dc

Sir,

I have the honor to acknow-
ledge the receipt of your I. H. dispatch
of the 28th ult in which you bring to
my notice the visit of Commander
Townsend of the U.S.S. "Wachusett,"
and the U.S. Consul Sandford,
escorted by more than a hundred
soldiers, to the office of the prefect
of Tangchau where they loudly
demand that he should seize
certain of the gentry who had
prevented the Americans living
there from renting houses, and that
he should also compensate the
latter for injuries done to the grave
stones in their burial ground &c

On that day, I likewise received
an account of the same occurrences
from

from Mr. Sanford, the U.S. Consul for
Pangchau from which I have gathered
the following particulars:—

"On the 10th inst. the U.S.S. "Wachus-
"sett" commander R. Townsend, sent here
"by Admiral Bell, arrived in port, I
"accompanied him next day to pay our
"respects to the Intendant of Circuit, where
"we requested him to send a dispatch
"to the prefect of Pangchau, requiring him
"immediately to settle the affair of ma-
"tilating the gravestones there. The Intendant
"declined to do so, stating that the matter
"was all settled."

"On the 13th I reached Pangchau
"in the "Wachusett," and we sent in our
"cards to the prefect. The next day, Com-
"Townsend and myself, with three mis-
"sionaries and an escort of about a hun-
"dred soldiers, went up to the office of
"the prefect; the escort were placed in
"ranks in the court of the office—
"during the interview."

"Com. Townsend then informed
"the

"the prefect that he had been ordered
"by Admiral Bell to come to the port
"of Tangchow in order to investigate
"and settle affairs there, more es-
"pecially to demand indemnity
"for the repeated injuries done to
"the tombstones of the Americans
"living in the city, which had now
"been going on for the past four years
"and hitherto not a man had
"been arrested or punished therefor.
"He accordingly required that the
"prefect should now arrest them,
"and that they be fined 200 taels
"for the damages done to the grave-
"yard which would deter them
"& others from repeating the offense.
"He also asked the prefect and
"the local authorities then to issue
"an edict & proclamation which
"would guaranty that there should
"be no more damages done to
"the burial ground. He lastly
"required of the prefect, in relation
"to

"to the renting of houses, that the 12th
"article of the U.S. Treaty should be faith-
"fully and immediately carried out;
"and that whoever was on any pretext
"causing disturbance and hindering
"the Americans from renting houses
"ought to be arrested and severely punished.

"The prefect replied in relation
"to these three demands that he could
"not instantly carry them out without
"referring them to his superior the
"Intendant for his direction; but that
"he would willingly order the district
"magistrate of Punglai to arrest the men
"who had damaged the graveyard,
"to which the latter who was present
"most readily gave his assent.

"All the parties at the interview
"expressed their desire to adhere to the
"stipulations of the Treaty in every
"particular; there was no intimidat-
"ion nor any thing like threatening
"used but all took leave of each other
"with expressions of good will.

On

"On the evening of the same day
"Commander Townsend & I sent a
"dispatch to the prefect containing
"all the above points as he had agreed
"to them; but much to our surprise
"next morning a note came to each
"of us from him excusing himself
"from another interview, and asking
"us to go to Chifu where the matter
"would be attended to. We accordingly
"by returned there and found that
"he had gone back to Tangchow. This
"official had already promised to
"see us, and he now skulked away,
"throwing his official duties & words
"aside in this manner; if such conduct
"is not shirking his duty & running
"away what is it? We had therefore
"no other way but to confer again
"with the Intendant, about the
"settlement of the case, who in his
"reply told me that he must await
"his orders from the officers of the
"Foreign Office at Peking after they
"had

"had consulted with the United States Minister"

After perusing the dispatch under
reply and the report from Mr. Sanford,
I am able to inform your S. H. that
Commander Townsend, having received
orders to go to some of the ports on a cruise,
reached Chifu, where it was his proper
duty to assist the Consul in investigating
and settling such affairs as needed
his aid. When therefore he arrested
Hu and his fellows at Yingtsi to hand
them over to the local authorities
for trial, he had abundant reasons
for his proceedings, and acted in
accordance with the treaty, as I have
informed you already in a previous
dispatch. In respect to his visit to Chifu
I had already written to the Consul
that when the "Wachusett" came into
port, in his cruise, it would be desi-
rable for her commander to pay his
respects to the local authorities, in ac-
cordance with art IX of the treaty, though
nothing was said about his taking an
escort

escort with him

In respect to the offence of breaking up the gravestones in the cemetery at Tángchow I may state that it is a plot of waste land that was obtained through the kindness of the district magistrate at Tángchow by the Americans in 1861; and that about a year afterwards, the people of the town without any provocation began to mutilate and break the gravestones. The district magistrate Fung, in March 1864 issued a proclamation forbidding them to do it, but it had no effect to restrain anybody; in January 1866, he issued another prohibition, which I had hoped to be of some effect, and had accordingly instructed the Consul to endeavor if possible to arrange and settle the affair, with the local authorities in the best way he could, as they had already amicably settled the two cases of renting houses.

It was for this reason, the hope that the affair might be settled on the spot, that I have not already brought it

it before the Foreign Office. However, I
now state all these particulars, and
have to request that your S. A. will
give such orders to the local authorities
that they will attend to the matter
with a desire to act justly, and carry
out the demand jointly made by Com-
mander Forslund & the Consul, so that
there shall be no further mutilations
of the gravestones or other causes of offense.

Let me add too that it is necessary,
when cases arise between nations &
foreigners, that the local officials be not
allowed to delay and procrastinate
in this way. If I am here in Peking,
it is not that I do not know what
is going on, but the authorities will
do nothing themselves, and act as
if they had lost their senses.

Can you expect, under such pro-
vocation, that my countrymen will
sit patiently, and never show any
anger nor do any thing to right themselves?

In a dispatch of Dec 21st 1865—

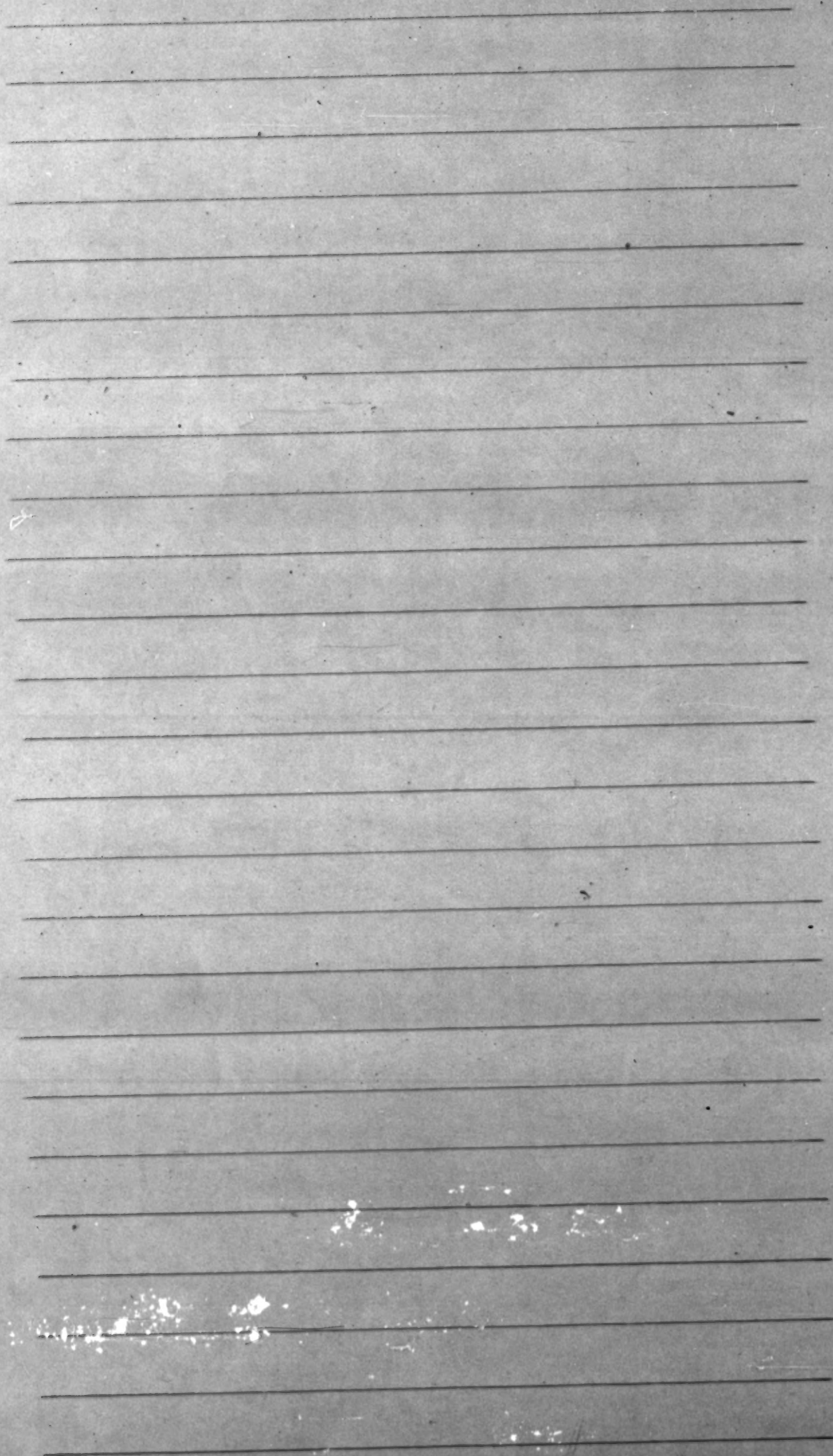
your

your Imperial Highness remarked
very properly, that the full observance
of all treaty stipulations by both China
and the United States was the best
way to strengthen their amicable relations;
and I can do no better than urge on you
the importance of this just remark. If
the local functionaries sit like so many
statues, and only delay and keep every
case dawdling for years, never settling it
nor replying to it, let it be fully known
that it will not be my fault but theirs,
if trouble arises, and that I cannot
be held responsible for what may
occur. During my long residence
in China, I have always endeavored
to act according to justice and courtesy
in all my dealings, & can appeal to
the knowledge of every member of the
Foreign Office that I have never de-
sired to stir up strife & disorder
in this country.

I have the honor to be, Sir,

Your Highness Obedient Servant.

Frederick Williams



U. S. Steamer Wachusett,

Chifu, 19th July, 1866.

Hon. G. Wells Williams, L. L. D.

U. S. Charge d'Affaires, Peking.

Sir,

I have the honor to inform you that, in obedience to the orders of Admiral Bell, I have come to Chifu, for the purpose of investigating the complaints of the Missionaries at T'ung-chow against the Chinese Authorities; and, finding those complaints just, to take such measures as might prove necessary to secure to our countrymen the rights and privileges of person and property guaranteed to them by treaty.

I find that our energetic and excellent Consul, Mr. E. J. Sanford, has kept you well informed as to the particulars of the case. After a thorough investigation, I do not hesitate to endorse his statements, and pronounce the complaints of the Missionaries well founded, and deserving of immediate attention and redress. Courteously,
and

and in a temperate spirit, I have sought that
redress from the prefect of Tangchow, and from
his superior the Intendant of Chifu. It has
not only been refused, but I have been very
casualty told by the Intendant that I have
nothing to do with the matter. Fortunately
for himself, and for his subordinate, but
unfortunately for us, my hands are some
what tied by the fact, mentioned by the Prefect,
that "the American Minister has not com-
municated either with the Board of Foreign
Affairs, or with the Commissioners of the
Three Ports." I am desirous, and prepared
to do anything that may be necessary in
order to the protection of the lives & interests
of American citizens; and, if the arrest of the
Intendant himself be requisite to that end,
I will not hesitate to seize him, even upon
his official seat. But your Excellency will
permit me to say that, except in emergent
circumstances, I would prefer to act
offensively, only after the reasonable re-
sources of diplomacy have been exhausted.
You have been pleased to hope that the
presence

presence of the Trachusett would have a
good effect. With a sufficient, yet not
threatening display of force, I presented,
in firm, yet courteous language, just and
moderate requests. The prefect solemnly
promised to comply with them, and
then ran away. From the Intendant
I met an insulting rebuff, that will
prevent my ever again using gentle
means with him. Will your Excellency
excuse the suggestion, that, in tunnelling
the inflated mass of Chinese arrogance
and deceit, diplomatic measures will
best succeed when worked from behind;
and that, where ideas are the weapons,
the initiative should proceed from
the center, rather than from the exten-
sities. If the demands of the American
Minister should be powerless in bringing
the offenders to justice, and in securing
just protection to our outraged country-
men, I shall proceed, under the author-
ity delegated to me by Admiral Bell,
to arrest the accused persons, and exact
from

from the Intendant and expect such
substantial guarantees that the American
Missionaries of Tanchau shall ever after
enjoy their unpretentious rights, "with
none to molest them or make them afraid."

As the Wachusett has been away
from all sources of supply for more than
three months, her stores of all kinds will
soon require replenishment, and I have
concluded to occupy the interval—
that must necessarily occur, before the
impulse Your Excellency will com-
municate to the Board of Foreign Affairs
can be improvingly felt at Chifu and
Tanchau, by running down to Shanghai
for the purpose of obtaining much needed
supplies. I shall sail on Saturday
the 21st inst, and will probably be absent
between two and three weeks. I trust
your long experience in Chinese affairs,
and your thorough acquaintance with
the Chinese character will enable you
to put matters in such train, that the
Wachusett shall suffer but slight deten-
tion

detention when she returns to Chefoo.
The long and tedious negotiations
at Newchwang deprived us of an interesting
cruise among the ports of South-east-
ern China; and I earnestly hope that
this Tāngchau affair will not too
greedily encroach upon the pleasant
visit to Japan, that we have long
been looking forward to with most
agreeable anticipations. Even now,
I doubt not that the Admiral is
looking, from day to day, for the "Wa-
chusett" to rejoin him at Yedo or —
Osaka; and, whether our longings would
lead us. But I have never shirked duty,
however disagreeable; and I feel
that it is my duty to attend to this
Tāngchau affair until it be satisfac-
torily settled. Will your Excellency
oblige me by giving to its progress all
the speed that may be derived from
earnest and persistent appeals to the
foreign office?

Friday, July 20th 1866

I beg leave to enclose herewith, for examination and reference, copies of the correspondence that has passed between the Chinese Officials and myself: it consists of the following documents, viz.

My letter, of 14th July, to prefect of Tangchau

Reply, dated 15th July, from do — do

My letter, of 16th July, to Intendant of Circuits

Reply, dated 17th July, from do — do

My letter, of 20th July, to do — do

As you will perceive, the letters of the Mandarins are faithful copies of the Chinese originals.

I will only draw your Excellency's attention to the conflicting statements of the prefect and the Intendant, in regard to the former's object in visiting Yantai; fortunately, in this case the falsification is written out, and cannot be denied. The truth rests with the prefect, who is a much more honest man, though far less clever than the Intendant.

Your Excellency will perceive, by
his

his own admission, that the Intendant alone is responsible for the treatment of foreigners in his Circuit. This only confirms the opinion I had drawn from the connected facts, the history of the case, and I do not hesitate to charge Pan Wei, Intendant of Tanglai and Tsing Circuit, as the chief criminal in this long continued series of outrages upon the missionaries at Tangchau. I earnestly entreat your Excellency firmly to demand the removal of Pan Wei from his office, as an all essential requisite to peace and harmony between Chinese and foreigners in the Circuit that he now misgoverns.

I have the honor to remain

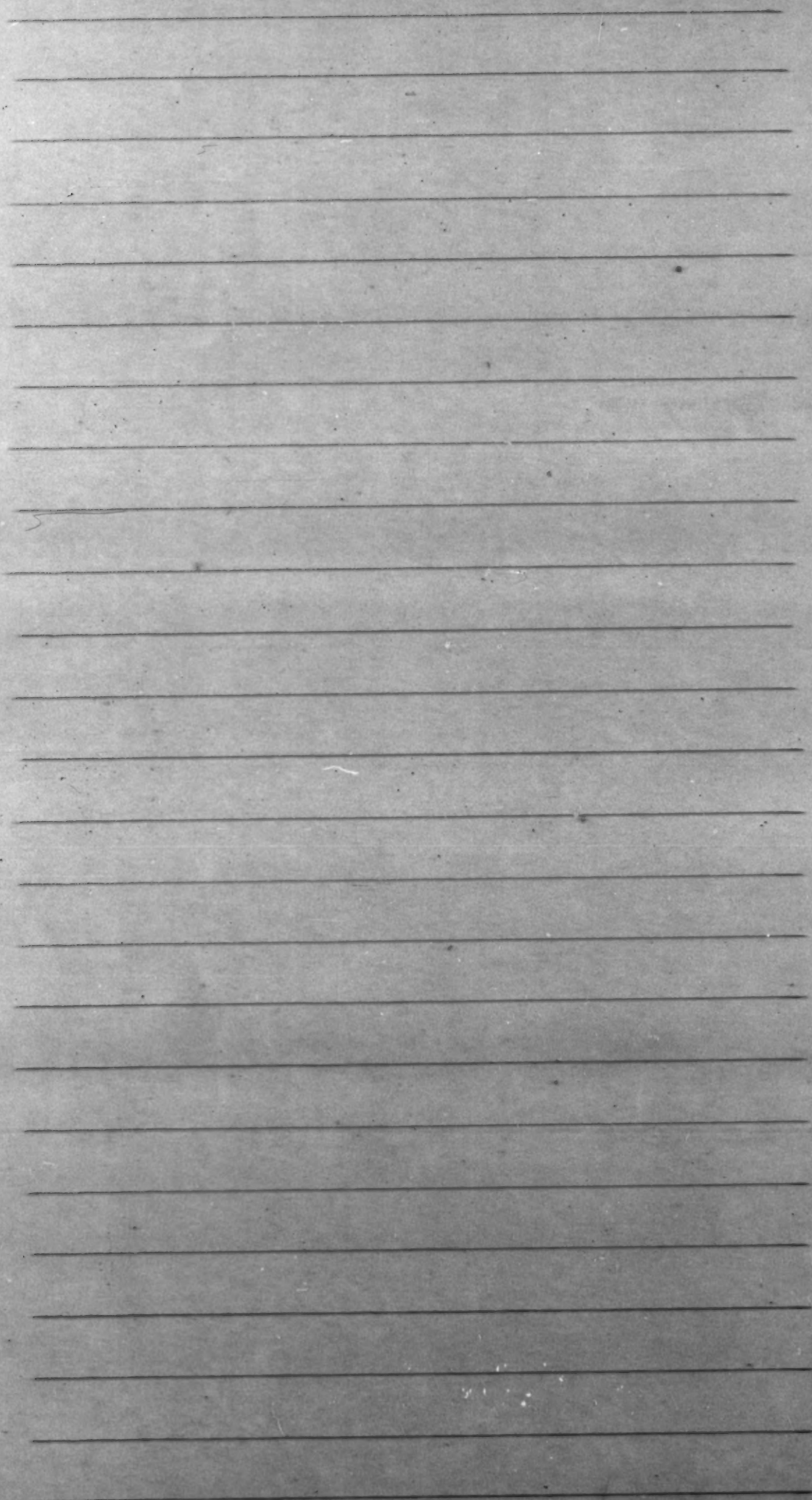
Very Respectfully

Your obedient Servant

(Signed) Robert Townsend

Commander, U. S. A.

Commanding, Wachuset



Legation of the U. States,

Peking Aug^t 2^d 1866.

Commander

Robert Townsend Esq. U. S. N.

Commanding U. S. S. "Massachusetts"

Sir,

I beg to acknowledge, with thanks,
your communication of the 19th July, with
its inclosures, giving the leading particulars
of your visit to Tanczeau, and the in-
terview which you had with the
prefect & other local authorities regard-
ing the grievances suffered by our
countrymen there. The result of
this interview with these officials,
like many previous instances, was
not so satisfactory as you desired
in its immediate results, but will
at least give them some new ideas
respecting the position and inten-
tions of the United States.

I have received a communi-
cation from Prince Tung upon this
matter in which he quotes from
the reports of the local authorities,

who

who as usual wish rather to exonerate themselves and implicate others than to give a true statement of facts as they occurred. I have sent a translation of it to Consul Sandford, who will give you a copy; and have this day replied to it by a plain recital of all the important incidents as given by yourself and the Consul, so as to set the object of the visit in its true position.

I have also given the reason for not having previously mentioned the desecration of the graves, having been still in hopes that the last effort of the Consul to get redress would effect some good. I have requested Prince Kung to send such orders to the Intendant and prefect as will compel them to fulfill the demands made on them at T'angchau, and have done all I could to support the action of yourself and the Consul. I have hopes that they will take some steps to redress the grievances complained of.

Having thus stated what I have done, to uphold your action, I wish to state

state here that the principles on which
the treaty powers have agreed to cooperate
in carrying out their treaty stipulations,
is to act through the central Government,
strengthening its influence as much as
possible and infusing what vigor we
can into its workings. We find that in
practice the Emperor has come gradually
to depend on his prestige & acknowledged
position for the maintenance of his power,
while that has in a great measure,
really passed into the hands of his pro-
vincial officers who are made responsible
for the peace of their several districts.
These latter are acquainted with the
weakness of their superiors, but yet
none of them wish to overthrow the
system, and we are sure from the
events of the last ten years that nothing
better than the present regime is yet
available to govern China and pre-
vent its ignorant multitudes becoming
the undisciplined troops of rival chiefs.
We at Peking can see the shifts and
excuses

excuses of an effete ministry to hide
their real inability to carry into effect
those orders which they approve,
but which their provincial sub-
ordinates evade or nullify with
impunity. Some of these orders
cannot be executed sometimes, even
by their best disposed officials. If the
gentry & people combine in opposition,
they are usually too much for the
rulers; and if the latter, (as in cases
affecting foreigners & their treaties)
have rather a feeling for the gentry
than a desire to act against them
& do what the treaties require, they
delay & excuse & falsify *ad libitum*.
Still, we must take things & people
as they are, and do what we can to
better them; and during the six
years that foreign ministers have
resided at the capital a little pro-
gress has been made in getting
the central government to fulfill
its treaty stipulations by its recognized
authorities.

authorities. Intreaty, Expostulation, warning,
instruction, are all brought into action, &
the officials here begin to see, ——— that
we are promoting peace and good order
by requiring treaty rights to be observed.
Under the earlier treaties, a resort to force
to coerce unwilling provincials was the only
remedy; but in the long run, moral
suasion, and a continual gradual
pressure exercised at the center, will
produce more permanent effects in el-
evating the Chinese to a full under-
standing of their rights and duties.
As a last resort, no doubt force must
be used to obtain satisfaction & redress;
but on the whole, the treaties have been
better observed by both parties than
in former times. They have come to be
regarded, as in fact they are, as great
charters of international intercourse,
and we find that most progress is
made by constant reference & adherence
to them in all our relations; and the
provincial authorities, are learning
to

to recognise the same thing.

By referring to the U. S. Treaty
therefore, you will see that the Intendant
is right in recognizing only the U.
S. Consul as the medium of official
action, and you will I think be
able to effect more by supporting
the Consul than by carrying on the
correspondence independently. From
some expressions in your letter as
to what you may be obliged to do,
I take the liberty to state to you,
however, as I cannot do so in time
to the Admiral, that in any case,
except that of an attack on U. S.
citizens, in which you have your
own orders, that an arrest of Chinese
officials, by U. S. troops will only
retard & complicate the matter
& defeat our common object. I
strongly urge this point, that you
will not even threaten such a thing,
for it will neutralise much that
we have been trying to build up
to

to have you ~~resort to any exercise~~
of force to bring about the settlement
of this case until every other possible
diplomatic action is exhausted.

The case at Tangchow is different from
that at Singtsz; ~~it is of long~~
^{imminent; and therefore}
standing and not a good one for the best
efforts of all parties to bring about a peace-
able settlement; and such a solution,
it seems to me, is more likely to further
the best interests of the cause in which
our countrymen residing there are engaged.

Whatever good effects the landing of marines
could bring about were doubtless accom-
plished by your first display, and I think
future interviews will be more satisfac-
tory, if the native officials do not feel over-
awed, or lose their dignity in the sight
of their own subjects.

The most likely plan ^{to succeed} if I may
be permitted to suggest is to take the thing
patiently, tell the officials that you are
present for no other purpose than to see
that the Americans in Tangchow are
protected.

protected in their rights, and can wait
awhile to see that they carry out the
stipulations which they acknowledge, &
the orders which they have received. The
officers themselves are placed in a dilemma
that demands some consideration; having the proud
gentry on one hand, who can effect their disgrace
and removal; & their superiors on the other who
will punish them if peace be not maintained.
The officials at Tangchow have heretofore shown
considerable desire to arrange matters quietly,
& I should think that you & the Consul could now
effect the object in view by courteous but firm conduct.

I have dwelt on this subject a little,
for your letter encourages me to state my views
as fully as you have your proceedings.

With many thanks for your kind notice
of my work, which I am happy to learn
have assisted you somewhat.

I have the honor to be

Yours Very Respectfully
S. Wells Williams

U. S. Steamer Massachusetts

Gentai (Cheifu) July 20th 1866.

His Excellency Pan Iou

Intendant of the Tang-Lai, and

Tsing Circuit, &c. &c.

I have the honor
to acknowledge the receipt of your Excellency's
dispatch of the 17th inst. As your Excellency
is pleased to declare that these are matters
in which the Captain has no right to
take action; it would be but a waste of
time and patience to bandy further words
between us. I will simply remark that
I can be advancing no new truths to a
gentleman who has so assiduously cul-
tivated foreign literature as your Excel-
lency seems to have done, when I state
that to the actions of men-of-war are due
in great measure, the treaty engagements
that

that China has entered into with the
Western Powers, and I may add the ob-
vious corollary that except for the presence
and occasional interference of men-of-
war the unpalatable provisions, and stipul-
ations of these treaties would seldom if ever
be carried out. With the experience I
have recently had I may be excused
for expressing the belief that, if the
relentless exigencies of a domestic war
of unparalleled magnitude had not
compelled the Government of my Country
to temporarily withdraw its ships of war
from the coasts of China, there would
have been little occasion for Admiral
Bell to dispatch the Wachusett to
Shanghai, and Tientsin, with
orders to demand redress, and satis-
faction for culminating insults
and

and outrages. I have forwarded to the American Minister at Peking the correspondence that has passed between your Excellency, your subordinate the Prefect, and myself; and I shall await the action of the Minister in the premises.

Business calls me to Shanghai for a short season; and I shall sail tomorrow. The Minister will have prepared the preliminaries to such action as it may be necessary for me to take, against the period of my return.

I have the honor to remain
Very respectfully.

Yours

Robert Crossen

Commander U.S.N.

Commanding "Wachusett"

ack 6 39

N^o 39. - Five Inclosures

RECEIVED,
Dept. of State,
NOV 15 1866

Legation of the United States,

Peking, August 15. 1866.

Sir,

Referring to my dispatch
N^o 33, of 21st May, I have now the honor
to send you a series of documents
connected with the events mentioned
in it, and the arrest and trial of the
men who attacked Mr Knight at
Niuchwang.

Trial of
Men who
attacked
U. S. Con-
sul at
Niuchwang

The first two [Inclosures A and B]
contain the report made to the Foreign
Office by the local authorities, who as
usual contrive to give a distorted
account of what happened, that their

Inclosures
A & B. -
Report of
Chinese
on attack

own

To Hon'ble W. H. Seward
Secretary of State.

own helplessness and dilatoriness might not appear to their superiors; with my reply

Inc. C.
Consul
Knight's
report

correcting its errors. The next [Inclos. C.]

is Consul Knight's report of proceedings

Inc. D.
Result of
Trial

with the authorities, and his letter [Inc. D.]

to those who composed the court held at

Yingtsi to try the prisoners; but it seems

^{unnecessary} to me, to send you copies of any others

of the inclosures referred to in his

report, as that contains all the impor-

Inc. E.
Demand
that ver-
dict be
carried out

tant facts. The last [Inc. E.] is my

dispatch to Prince Kung requiring that

the decision of the Court be carried

into effect.

Weakness
of
Chinese
Government

From all these papers you will perceive how difficult a task the Chinese

Government finds that it has under-

taken in engaging to carry out the

provisions

provisions of the foreign treaties, with such inefficient means as it has at command in its provincial officers; and how the evidences of weakness in every part of the administration multiply. Yet I believe that foreign nations are doing the best thing for this Government by urging the execution of its treaty obligations, and helping it to do them. The people, who, on the whole, are industrious and peaceful, and continually deriving benefits from foreign intercourse, form the basis of encouragement to those who would reform and invigorate a prejudiced and ignorant class of rulers.

Mr. Knight speaks again of the important aid rendered him in his interviews and correspondence with
the

the officials, by Mr. Davenport, whom
I mentioned in my other dispatch. He
also aided Com^r. Townsend at Tangchau
and Chifu. I can but again express
my own strong hope that the U. S.
Government will ere long also have
an efficient body of interpreters in
its consular service in China.

I have the honor to be,

Sir,

Your Obedient Servant,

J. Wells Williams

Prince Kung, chief Secretary of State
for Foreign Affairs, herewith sends a
communication.

I have very recently received
a dispatch from the commander
in-chief of the province of Shingking
in Manchuria, inclosing the follow-
ing report from the military and
civil magistrates at Kiu-chuan:

"On the 31st of March last,
"a man named Chin Hi-shing, had
"an altercation with another native
"called Chang Tuh-tze, a coolie em-
"ployed at Messrs Knight & Co's hong,
"whom Chin had asked to return
"a fur jacket formerly borrowed
"of him. High words passed between
"them, and finally they came to blows,
"when Chang went and brought up
"four foreigners to help him, who
"thronged the door seeking to join
"the brawl and firing off their guns.
"This caused Chin and his party

to

"to use their weapons and defend them-
selves, whereby two of the foreigners were
wounded.

"The district-magistrate of Haiching
had sieged one of these men, named
Fang Ching, and was actually exam-
ining him, when Chang Puh ts' ap-
peared, having stirred up Mr. Knight,
the U. S. Consul who came with some
other foreigners all armed, to the office,
to represent the circumstances which
had taken place. The magistrate there-
upon readily promised to take im-
mediate measures to arrest and punish
the offenders severely; but not long
after they had left him, one of the
village constables came and reported
that over twenty foreigners had come
from the eastern end of Kingt' to
find the residence of Chin, where
a brawl had occurred, in which
a native named Tsui had been shot
dead, and four others wounded, -
one of whom named Tsau was likely

"to die from his wound. The magistrate
"thereupon went to the spot to learn
"the facts, and ordered his policemen
"to arrest Chin and all his party—
"without fail.

"Most unexpectedly, the consul,
"accompanied by forty or fifty foreign-
"ers, all armed, then came to the office
"to see him, and insisted that he
"should burn the house where Chin
"lived. He again and again tried
"to dissuade Mr. Knight from this
"proceeding, but they would not listen
"to his remonstrances, and constrained him
"to go with them to the place on the
"2^d of April, and order Chin's houses
"to be torn down. This did not satisfy
"them altogether, but the magistrate
"at last was able to stay further
"demolitions and get them to disperse.
"He has since arrested four of the
"party, named Chang, Wang, Kow,
"and Chu; and now reports the
"affair for my action."

"I

"I have also received another report
"(says the Commandant) from the
"Collector of Customs of the Shan-
"hai Collectorate, who tells me that
"he has had a personal interview
"with Mr. Knight, who had requested
"him to ask the Commander-in-
"chief at Mukten to have a special
"officer sent to Yingtze immediately
"to inquire into and settle this
"matter.

"On receiving the above dis-
"patch, I resorted to the XVIIIth-
"article of the Treaty with the
"United States which says "If
"individuals of either nation
"commit acts of violence or
"disorder, use arms to the inju-
"ry of others, or create disturbances
"endangering life, the officers of the
"two governments will exert them-
"selves to enforce order, and to main-
"tain the public peace, by doing
"impartial justice in the premises."

Now

Now in the present instance, the dispute of Chiu and Chang was wholly between two natives at first; and even when the latter had obtained the aid of foreigners to go with him to the other's house, it was nothing more serious than a brawl between natives and foreigners; but when Chang had incited Mr. Knight to bring a posse of men with him, who fired their guns in the melée and killed the man Tsui; and superadded to this forcing the district magistrate to demolish the houses in the presence of the people, it was going too far. If such a wide departure from justice is allowed, how can the provisions of the treaty be upheld, and the minds of all conform to them?

However, since I hear that Mr. Knight has requested that a suitable and discreet officer be sent to Kweichow to inquire into this affair, I have made known to the Commander-in-Chief and Mayor of Mukien - immediately

to select an officer of energy and ability
and send him to that place to join
with the collector in investigating this
thing to the bottom, and decide it as
soon as may be without the least
favoritism or delay.

I will accordingly await
the reception of the report from the
officers in Shingking in respect to it,
when the whole circumstances will
be made known to you and now con-
tent myself with informing your
Excellency of what has been done,
that you may make it known to
the consul for his guidance.

To His Excellency

S. Wells Williams

U. S. Chargé d'affaires

May 25th 1866. (Tungchi, 5th year, 4th
moon, 12th day)

Legation of the United States
Peking. June 1. 1866

To His Imperial Highness Prince Kung.

2c

2c

2c

Sir,

I have the honor to acknowledge
your Highness dispatch respecting the
affair at Sinchwang, in which Mr
Knight is charged with having led on
some foreigners, who caused the death of
a Chinese by firing their guns, and
after this had some houses pulled down;
and to state in reply that I have re-
cently received the following report of
the occurrences from the Consul:—

"On the 31st of March, I found
"that one of my servants was absent from
"the house; and on inquiring learned
"from the others that he had been seized
"by the sword racks for some cause or
"other unknown to them. Having great
"doubts about their statement, I deemed
"it advisable to go and inquire for
myself

"myself into the matter, and took three
"countrymen with me. We had reached
"the neighborhood of a temple called
"Lau-yé-miau, when I met my servant-
"coming toward me, but his replies to my
"demand where he had been were so
"confused, that, in order to ascertain
"more clearly the reasons why he had
"been seized, I compelled him to go back
"with us to show me the house. We had
"just come to the corner of its wall,
"when out pushed several men armed
"with swords and guns, from two op-
"posite doors, and came at us, firing
"their guns when not over fifty or sixty
"feet distant. Their fire wounded three
"of our party.

"Finding ourselves attacked
"by these ruffians in this unprovoked
"manner, and having no means of de-
"fending ourselves against them, I inst-
"ly turned back, dragging & supporting
"one of the wounded men as well as I
"could, down to the riverside, where
"the

"the swordracks stopped their pursuit
"of us.

"As soon as I reached my office,
"I wrote an account of the attack,
"to the collector of the port, demand-
"ing that they be instantly arrested
"and punished. After some hours, a
"reply came; but it was so unsatisfac-
"tory, and being afraid also that there
"might be no means of identifying the
"criminals when taken, I decided in
"the afternoon to visit the district mag-
"istrate at his office, there to explain
"all the circumstances. I was escorted
"by several foreigners armed, and ac-
"companied by Mr Davenport, the
"interpreter of the British consulate.
"This magistrate begged me to exercise
"some patience, and he would do all
"he could to arrest and punish my
"assailants.

"After we had left his office,
"we decided to return by the south-
"ern street, the streets every where being
quiet-

"quiet, in order to look for a small dog that
"had been missing since morning, but of
"the residence of these swordracks I was
"totally ignorant. Presently, we noticed
"an armed hoiseman following us, whom
"I recognised as one of the men who had
"pursued me in the morning. Fearful lest
"there might be persons concealed in this
"street, I retraced my way a short dis-
"tance and took the northern street.
"We had not gone far, when we saw
"a man on a house-top pointing a
"gun at us, and then recognised the
"house as the place where the sword-
"racks lived. There was now no other
"way but to go on; and we had just
"reached the opening of a cross-street
"when a body of men came rushing
"down, and firing their guns in quick
"succession directly at us. There was
"no alternative but to reply to it, and
"from its results we were able to go
"the rest of our way home without
"molestation.

The

"The next-day, the district magistrate
"came to see me, when the British
"and Prussian consuls being present,
"we learned, after a good deal of
"questioning, that he had allowed the
"swordracks to escape during the night.
"We all then urged on him the pro-
"priety of destroying their houses en-
"tirely, in order to serve as a warning
"to all lawless miscreants for the future".

From the preceding narrative
of the Consul respecting this affair,
it is fully shown that when the
first attack was made on him, he
had no arms with him to use against
the assailants; and further, that
the foreigners in the second instance
did not fire until they were attacked.
The demolition of the houses was
done after a long conference with
the district magistrate in company
with other consuls; and that official
was not at all forcibly compelled
to do it. The commencement of the
affair

affair was simply that Mr. Knight
wished to ascertain why his servant
had been seized, and this servant
by no means had been inciting his
master to come and take his part
in the quarrel.

Your Imperial Highness
now informs me that you have direct-
ed that an able and energetic officer
be immediately sent to Yingtzy with
powers to sift this affair to the bottom,
and decide it according to justice;
and I shall inform Mr. Knight
that he may be prepared to join
in the examination of the case.

I have the honor to be,

Sir,

Your Highness Obedient Servant -

G. Wells Williams

Consulate of the United States

Niuchwang, June 4th 1866.

Sir,

I have the honor to acknowledge the receipt of your dispatch of the 16th ult: in reply to mine of the 15th of April with enclosures, referring to the attack made upon myself and others, by the Scound Puck Chin and his band.

I have now the pleasure to inform you that the U. S. Steamer — "Wachusett", Commander Rob^l Townsend, arrived at this port on the 5th ult: dispatched hither by Admiral Bell immediately on learning of the attack above mentioned, with instructions to investigate the case, demand the punishment of the criminals, and secure the future immunity of American officials and also of all American citizens, from similar

His Excellency S. Wells Williams

Chargé d'Affaires, of the United States

similar high handed assaults upon
their persons and upon their lives.

I regret to say that up to that time,
owing partly to the presence of a number
of banditti near here, but principally
to the bad management and utter want
of coöperation of the local officials, I had
not received any communication regard-
ing the arrest of the criminals Chin and
others, neither could I induce any
of the magistrates to visit this port
with such a view. Indeed the place
had been utterly without law for a
month and completely under the con-
trol of these armed sword racks.

The growing urgency of the case,
together with the important circumstance
of Captain Townsend's arrival, rendered
it imperative that I should take some
measures to force the local officials
to act; and agreeable to my request
I received a visit in the afternoon
of the 6th ulto. from his Excellency
Ching H. J. M. Superintendent of Customs,
who

who was the only official in the place,
Captain Townsend being present.

The result of the interview was simply
this. His Ex. Ching informed me that altho'
his position at this port was nominally
as Superintendent of Customs, he has re-
ceived powers from the Foreign Office
enabling him to confer with the local
officials with a view to spur them on to
the correct performance of their duties;
that in the matter of arresting the ruffians
Chin and others, he has repeatedly written
to District Magistrate Hao before his de-
parture from Hai-cheng, also to Mr. Dis-
trict Magistrate of Kai-chow, urging them
to move in the matter as the simplest law
and justice required, but that those gentle-
men had not replied or noticed his letters
in any way.

He confessed with regret that
I had every ground for complaint, and
that he was confident the local officials
must suffer when the facts were made
known to their superiors at Peking; but
as

as he had now taken every step in his power, having neither force or authority to make arrests, all he could do further was to forward, according to my suggestion, a dispatch from me to His Excellency the Governor General of this province, representing the existing circumstances and requesting that a competent officer be instructed to proceed to this place, who shall have authority to arrest and punish my assailants.

Accordingly on the following day, May 7th, I addressed His Ex. China dispatch No. 88, copy of which I beg to enclose, also copy of Captain Townsend's letter which accompanies mine; all that remained then to do was to patiently await the arrival of the Governor General's reply, or his representations.

Although I continued to hear indirectly that one of the "Chin" brothers, and five others had been arrested at Kai-cheng, I received the first official communication of the fact

on

on the 15th ulto in a dispatch from Chui,
then acting magistrate, until Wei arrived
to fill Hoao's place, which informed
me that one of the Chin brothers had
given himself up for trial. I enclose
copy of my reply, dispatch No 90.

On the 5th ulto I wrote to the four
local officials, informing them of the
arrival of the U. S. Steamer "Wachusett",
and requesting them to visit this place
at their earliest convenience on matters
of mutual importance, but as only
one, His Excellency Genl. H. I. Mc Com-
mandant of Nuechwang, has replied,
and since rumours had reached
me that unfaithful accounts of the
attack on myself had been forwarded
to Peking, I thought proper again to
address the four local officials, as
per dispatch No. 93, copy of which is
also inclosed.

From this date till the 29th ulto,
nothing of importance occurred; the
quietude of the place may perhaps
be

be attributed partly to the presence
of 500 Imperial troops who arrived
from Tientsin on the 30th ult. (the
evening before the "Wachusett") but
the real gratifying feeling of security
often expressed by the native people,
is owing to the stay of the U.S. Steamer.

I am sure it will afford you
much pleasure, Sir, as it has satis-
faction to myself, to learn that
while awaiting some action on
the part of the Governor General
at Hong Kong, Captain Townsend
kindly offered to survey the bar
at the entrance of this port, and
place in position two buoys which
I had purchased by permission
of Mr. Inspector General Hact.

The work is now accomplished
and a great boon conferred on this
port, and those interested in the
coasting trade of China, which I
am confident will also be duly
appreciated by his Imperial Majesty's
government

government.

On the 29th ulto. I received a visit
from H. E. Ching H. S. M. Supt. of Customs

Yu Commandant of Ningbo

Wu District Magistrate of Kaiping

Yeh " " " " Kaichow

and Kwei, an officer who informed
me he had been instructed by the Governor
General to proceed to this place to assist
in investigating the case of attack in
question.

The Supt. Ching commenced
by saying that he had written to H.
E. the Governor General as he promised,
and the result was that those present
were specially empowered to investigate
the case, and only now desired to know
what course I wished them to pursue;
that District Magistrate Wu had ar-
rested one of the brothers Chin, and
five others, who were in prison at
Kaiching.

To make certain that all
were conversant with my version of
the

the affair, I produced a copy of my
dispatch to District Magistrate Hoo,
and then informed them that I
demanded the immediate arrest
of the Chin brothers, and all others of
my assailants, and their trial and
public punishment at this place.

In reply to their many ques-
tions and arguments, I told them
that they could not regret more
than myself the trouble this mat-
ter caused to all concerned, but
that I was confident it was the
only case on record of a dispute
between foreigners and Chinese,
where there was not something
to be said for both sides, but that
in this instance, argue as they would,
I had the entire right on my side
in every particular.

That the insult offered to
the representation of the United
States, and wounding of his coun-
trymen was of so grave a nature
that

that my government was bound to demand
and obtain satisfaction.

That the delay which had occurred, in at least the arrest of the criminal,
for trial, has made matters worse, and
that many an official had of late been
degraded from rank, for far less want
of tact and ability.

That it was useless to ask me
how many men I wanted arrested, or their
names, for thousands in the town knew
them; but if such information was ne-
cessary, which I very much doubted,
they could either inquire of the occupants
of the houses in the swordrack neigh-
borhood, ask E, the commandant of Volunteers,
or compel the one brother Chin and
others under arrest, to disclose the names
of their associates.

I then learned that it was
the duty of District Magistrates Su & Yuh,
of Heaiching and Raichow, to make the
arrest, saying that I had heard that
they had no prison here, but if such
were

were the case, the prisoners could be placed on board the U. S. Steamer — "Wachusett," that with 500 Imperial troops they could not plead want of force, or in such want, Captain Townsend had already offered his assistance.

After a long conference, the character of which you will readily comprehend from your long experience with these people, I would call your attention to the fact that not one argument was offered against my rights in the matter, the only objections put forward seemed to be efforts to avoid if possible arresting the most noted ruffians.

They asked if I had any objections to their trying the six criminals already caught; I answered "not the slightest," but continued to demand the arrest of others, who were this moment in Ningbo, riding about armed and had publicly boasted that the Mandarins could not take them.

I am now glad to say that the interview resulted in my entire refutation of every argument or objection they had, and a promise on their part
at

at once to effect the arrest of the three
brothers "Chin".

At this moment of writing
I am glad to say, I have received a
communication informing me of the
arrest of another brother "Chin", and have
hopes that others of the band may be
taken.

In reference to your excellency's
dispatch now under reply, I am anxious
you should know that the destruction
of the Swedrock's houses has never been
once referred to, or mentioned since, by
any of the authorities at one of our inter-
views. It was distinctly understood at
first, that the destruction of their den
was but a slight and primary step
towards the fullest punishment they
so thoroughly deserved.

But among all the extraordinary
expenses now offered by men anxious to
find a way to avoid doing their duty
under difficulties, the local Mandarins
have never thought of placing the
matter

matter of two mud buildings against so-
outrageous an insult.

The cost of the buildings, was a mere
bagatelle to the Shoodracks, who have ample
ill-gained means, and the demolition served
only as a warning to the poorer coolies who
tempted to join such bands.

In regard to the details of the case
none other can be offered but mine, the
seconds cannot deny having fired upon
me in the morning, in the open street before
I had reached their houses or they had
the slightest idea of my intentions or des-
tination. The attack in the afternoon was
simply graver in character, from the fact
that I was clad in my official dress,
for the ruffians without doubt knew in
the morning I was a Consul. Again, in
the afternoon they not only fired the
first shot, but discharged at least a
dozen jingalls and matchlocks, before
I had made the slightest demonstra-
tion, and subsequent examination of
the spot has convinced any one —
how

how closely we were set upon, the walls, and houses being quite battered with shot and ball.

I quite regret now, not having forwarded a list of the wounded, but as every one was under medical treatment, I propose to enclose a statement from Dr. James Watson.

Of the results of our firing there were so many reports afloat, I thought best to await any statement on my part, but I now learn from the authorities that we killed one on the spot, another died the next day, and that four are yet confined to their beds with wounds.

It should not be forgotten, that those killed or wounded were but poor coolies, who came to the front, while the cowardly leaders escaped by dodging behind the walls, and are able to continue their former old habits of life with greater insolence.

The intimation that a large
supply

supply of firearms have been brought to
Yingtz is utterly untrue and easily re-
futed. During the time that this port
was threatened by outside banditti
in April last, there were not a suf-
ficient number of rifles belonging to
foreigners to arm every man, so that
I was compelled to borrow from the
Meadows H. B. M. Consul, six of her
Majesty's Enfields, and knowing
that every native in the place,
that could be induced to carry weap-
ons during the panic, was stationed
behind earthworks and redoubts
surrounding the town, I with others,
made repeated visits to their camps
in order to ascertain how many
foreign guns they had, and may
safely say that one dozen old ships'
muskets, nearly useless, were all
that we could find.

The "Chin" band, had,
during their attack on myself, one
double-barrelled fowling piece,
and

and two brass blunderbusses
of foreign manufacture, which I am
told were loaned them by the
noted sword rack "Hoo," the great-
est paracal in the province. But
I have since issued a Circular
to those under my jurisdiction
declaring the heaviest penalty
to ship-masters, and deportation
to residents, known or convicted,
of selling foreign arms to Chinese.

I have no hesitation in say-
ing that this affair of mine with
the sword racks may be of the very
greatest benefit to this port.

Matters are now brought
to some issue; a slight quarrel
has already occurred between
the Imperial troops and the sword-
racks, in which one of the latter
was soundly bamboozed, and it is
to be hoped that as the local Man-
darins have it in their power, they
will join in one united action —

toward

toward the suppression of these bands.

I hope with the presence of the "Wachusett" I shall finally succeed in having nearly all my assailants arrested and tried at this port, but what is of far greater importance, if foreigners are to reside here, is their public punishment in this place, and to this aim I would draw your earnest attention.

The authorities at first intimated that orders must come from Peking before they could punish these men, afterward they admitted that the Governor General could control such matters; but I have throughout refused to believe such to be the case, and have told them repeatedly that had the offence been committed against one of them, the man would have lost his head without any trial.

It is really of the very first importance that these men should receive their punishment in this place both that these people may
be

be terribly warned in future against pursuing a lawless course of life, or interfering with foreigners; and I sincerely hope to learn that the Foreign office may be just enough, to concede this point, and forward orders to such effect without loss of time.

Regarding the claims for tails - 2000. as indemnity to those who have suffered severely in pain, expense and loss of time, the feeling here is general that the amount named is too little.

It is with the greatest regret, that I have to inform you that one of the men who accompanied me on the day when the houses were demolished, was accidentally shot by the discharge of a gun, wounding him so severely it was found necessary to amputate his leg. Although this man did not receive his wound directly from these sword racks, it nearly amounts to the same thing, as his presence with others, was thought necessary

necessary to the consul and he was at the time virtually watching American lives, against ambush or surprise.

The amount claimed, tails 2000, I wish to divide among the poor fellows who have suffered, proportionally to their wounds and position in life, and am confident that unless I am able to gain this simple act of justice from the Chinese, I cannot again ask my countrymen to come forward on a similar occasion.

Men cannot be expected to risk their lives in defence of the American flag, or for the general safety of the community, if they are to be left uncared for when wounded, and if all these occurrences are brought about through the negligence of the Chinese, they should be made to pay.

It has been my desire when writing complaints against the authorities of this place, to conclude with the suggestion of a remedy, according to

to my best judgment, and now that I am familiar with the local circumstances, I am confident the following arrangements are imperatively necessary toward the better government, and consequent improvement of trade, at this port.

First, the establishment of an officer who will reside permanently at Yingo, who will exercise judicial powers more especially in all matters relating to foreigners, over the inhabitants of this town and those of the neighborhood within a circuit of 20 miles, and who will be the equal in rank of the Treaty Consuls.

Second, the retention here of five hundred disciplined troops, who will be directly under the orders of the officer above referred to.

Third, The determined suppression of the swordsmen or avowedly lawless classes. The leaders some ten in number could easily be arrested, and

and the fire arms of the various gangs which are stored in the houses of the former, could without difficulty be seized by the troops now stationed here; and the capture of their chiefs, the loss of their arms, and the knowledge that any attempt on their part to revert to their habits of extortion and cruelty, must entail prompt and severe punishment, would effectually prevent the subordinates from pursuing such a course.

To arrive at this last result, all that is required is the display by the government of a little moral courage. The swordrack organization recently has been assuming more formidable proportions, but in previous years, the local authorities could at least plead the absence of all means of suppression.

Now this excuse is no longer available, and if notwithstanding the presence of what there is every reason

reason for believing to be an orderly and well led body of soldiers, ruffians who have been repeatedly guilty of murder, and of murder aggravated by the most hideous cruelty, are still able to carry on their outrages, to parade as they do at the present day the streets, as well clad as the wealthiest merchants, to boast of the dread they generally inspire, and of the influence they exercise over officials of high rank. His Imperial Majesty's representation at this port need not be surprised if they are accused of complicity in the crimes of these men.

The innovations now proposed would unquestionably result in a reduction of expenditure.

The incomings of the Superintendent of Customs would well suffice for the officer whose appointment is suggested, and who might unite in himself the two functions, whilst

112
whilst were the sword racks suppressed
there is good reason for believing that
at least two thirds of the 20,000 taels
annually required for the mainten-
ance of the disciplined garrison, —
would be willingly provided by the
shop keepers, merchants and owners
of warehouses who now suffer not
only pecuniarily but sometimes in
their family honor, and not un-
frequently in person, from the daring
of these bands.

As the bearer, the Str "Japan"
goes directly to Tientsin. I am glad
to think this will reach Peking
in four days, and trusting Sir,
you approve of my suggestions that
the Foreign office should transmit
orders to the local Mandarins
here, to the effect that the "Chin"
family shall pay an indemnity
of taels 2000, and that the men
convicted of the deadly assault
on myself and others, shall receive
punishment

punishment at this port. I shall feel
extremely obliged if you will forward
your reply and advice as soon as
possible by Courier over land, that it
may reach me in about sixteen
days from date, which is as long
I fear as I can persuade Captain
Townsend to remain at this port.

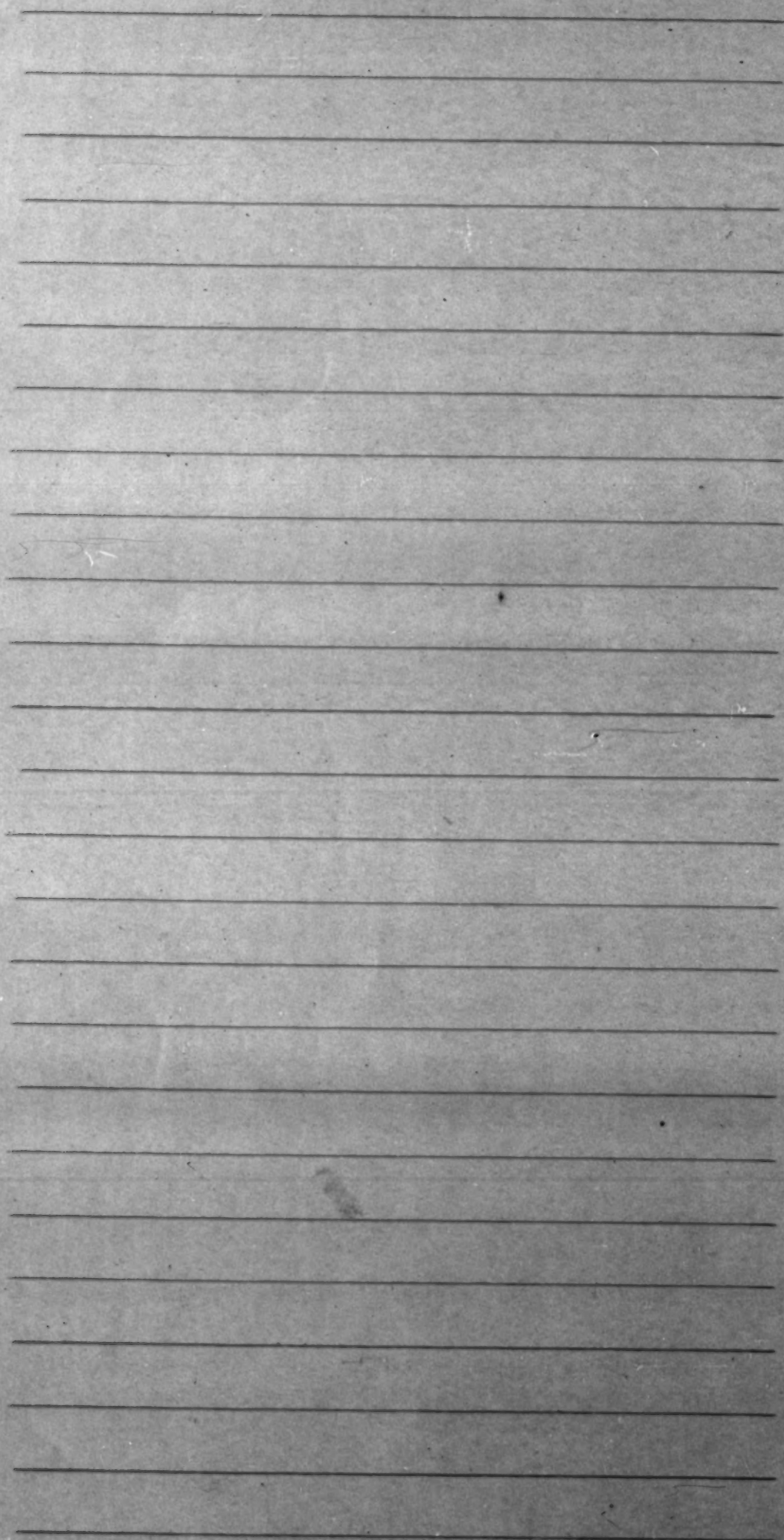
I earnestly trust, also, that
U. S. M. government may see the force
of my proposed arrangements toward
the better government, and consequent
improvement of trade here, as I am
certain no other plan will ever make
this a safe place of residence or ef-
fectually improve the commerce
of the port which is now in a very
unsatisfactory state.

I have the honor to be

Your obedient servant

Francis P. Knight

U. S. Vice Consul



Consulate of the United States,

Ninchwang, July 6th 1866.

To Ching, H. I. M. Collector of Customs,
Yuh and Kwei, Special Commissioners,
Wu and Yu, district magistrates, with
Tsai and Kwok, Commandants of Kaichau
and Ninchwang,

Sirs,

Having had the honor to be present during the trial of Chin Hi-shing and seven others, who were arrested as implicated in a deadly assault on myself on two occasions, on the 31st of March, it affords me much pleasure to testify to the great fairness, forbearance, and justice displayed throughout; and I now beg to thank you for the serious care and attention you have bestowed during the investigation, and for a sealed copy of the evidence adduced.

While I have been desirous that the Chin band should be brought to deserved punishment in a body, for the insult offered to the U. S. Government in the murderous attack made on its representative, I feel that I am but doing my duty in demanding
that

that they should also suffer in estate; and in advancing the claim for damages against them, of my countrymen and others, whom they wilfully wounded and prevented for a time gaining their livelihood. There were seven, including myself, of my party wounded, but damages are only claimed for five, who besides suffering great pain were incapacitated for work for upwards of a month during their busiest season. They complain that their season's prospects have greatly suffered, and call upon me to assist them. I have carefully considered their several claims, and after reducing as much as possible, find that it will require 1500 taels to justly satisfy them.

In my dispatch of 21st ult^o I had the honor to request the arrest of three noted swordrack ruffians, known as Hu Tai, Hu Lau-san and Hu Lau-sz, charging them with being accessories before the fact to the assault on me and others. During the interview at my house on the 20th, Capt. Townsend informed the commissioners and district magistrates that he had waited a
long

long time for the imperial authorities to meet out justice in this case, and that after waiting a few days longer for them to make arrests, he should feel that they were powerless against the swordacks, and that it was his duty to arrest them himself in order to trial.

After three days, Yuh and others informed me that no arrests had been made, and that the difficulties were so great that Wu, the district magistrate of Kaichau, - whose duty it was, had become crazy. This was thought sufficient, and on the morning of the 25th ult., Capt. Townsend ordered a body of men and officers to be landed from the U. S. S. "Wachusett", who proceeded to the house of the Hu family, and arrested Hu Lau-sz and twenty-one others. A large number of weapons found on the premises were also taken, but nothing else was molested.

Although Hu Tai and Hu Lau-san are yet at large, the 21 followers of the Huis have been released to you at your earnest request, and promise that they should be kept in safe confinement, until some investigation had taken place. Since then,

at

at a number of interviews you have urged that Hu Lau-sz (a brother of Hu Lau-san and father of Hu Tai) be also delivered to you. It has been my opinion, as well as Capt. Townsends, that it would be impolitic to accede to this request; for we think that the swordrack organization would, with arms superior to your own, soon effect his escape. The lawless influence exercised over this region by these bands has been often represented to you and at Peking; and the late occurrences render it necessary that at last other measures should be adopted to secure foreigners from insult in accordance with treaty stipulations.

Altho' your will is good in this matter, I am nearly sure that you have not the power to proceed against them; and the Governor-general has refused to let Pan and his troops aid in preserving the peace and executing the laws, so that I feel that we are as unprotected as ever. Nevertheless, since you represent to me that if I take Hu Lau-sz to Peking for trial, you will severally and jointly suffer in position, I have after earnest

nest

next reflection and consultation, decided to depart from my first intention only under the following understanding.

1st That I shall receive a dispatch from yourselves, bearing the seals of the Collector of Customs and of the four local authorities, stating that you are strong enough to hold this Hu Lau-sz from any attempts on the part of his band, and will retain him in prison until your superiors at Peking, in conjunction with the U. S. Minister, shall have given you instructions in the matter.

2^d That you will arrest the swordsmen Hu Lau-san and Hu Tai, with a view to their trial as accessories before the fact in the assault on me; and to eventually disperse these bands of men, who take the law into their own hands.

3^d That Pan, the colonel in command of the Imperial troops, has consented to render all necessary assistance, towards the safety of Hu Lau-sz, arrest of the other Hs, and general protection and quietude of this port.

4^d That the sum of 1500 taels shall be deposited in my hands as damages in favor of those who were wounded.

to remain undistributed by me until the amount is approved by the Foreign - Office and the U. S. Minister at Peking.

In conclusion, I can only say, that this is my final decision in regard to the disposal of the prisoner Hu Lau-sz; and as I shall sail tomorrow morning in the "Wachusett" for Peking, I trust that you will have fully determined upon your course, that all may be satisfactorily settled at the interview this afternoon.

The present moment does not admit of arguments setting forth treaty stipulations, but the exigencies of the case have often been explained to you by Capt. Townsend and myself; and in case I am obliged to refer to Peking, the same facts shall be represented there from the different Legations.

I have the honor to be.

Your Obedient Servant.

[signed]

Francis P. Knight

U. S. Min Consul

Legation of the United States,

Peking, July 19, 1866.

To His Imperial Highness Prince Kung,

&c

&c

&c

Sir,

On the 25th of May last I had the honor to receive your I. H. dispatch, in which you informed me that you had directed some efficient officers to go to Ying-tsz, and there investigate and settle the affair of the American consul, to which I replied on the 1st ult^o. I have now to acknowledge a note from the Foreign Office of the 16th inst., in which the proceedings of Mr. Knight in arresting twenty-two men by means of foreign soldiers and taking them to the man-of-war, are referred to, with the request that he may be directed to deliver them over to the authorities, &c., &c.

I have recently received the following report respecting these events - from the U. S. consul at Niuchwang: -

On the 23rd of June, I attended

with

"with Capt. Townsend of the "Wachusett," at
"the court where Ching, the collector of the
"port, and Yuh and Kwei, the special depu-
"ties, were assembled with the local autho-
"rities to try the case, at which time my
"servant Chang and seven men in all
"of the Chin family were examined. The
"fifty or sixty marines present were there
"by the consent of the officers as specta-
"tors, and to do honor to the occasion. ~
"The man Chang was first tried, and it
"was proved that he had not stirred up
"the quarrel to get back the borrowed fur
"coat, and then led on the consul to
"attack the house, as he had been accu-
"sed; but five of the other prisoners
"directly confessed that they had fired
"on the consul and other foreigners
"in the open street on the 31st of March,
"who had given them no provocation.
"It was also generally known that Chin
"Hi-shing and his fellows were sent out
"on this business and supplied with ~
"arms to fire on the foreigners by one
"Hu,

"Hu, who is a leader of the swordsmen. The
"officials were quite willing that he
"and his band should be arrested; -
"but they said they were afraid that
"they had not force enough to do it.
"Two or three days having passed, and
"no arrests having been made, it was
"deemed best by Capt. Townsend to do
"it, as the last clause of Art. XI. of the
"Treaty permits arrests in order to
"trial to be made either by the officers
"of China or of the United States.

"During the night of the 26th of
"June, he accordingly arrested Hu and
"others, twenty-two men in all, and took
"them on board ship; and immediately
"informed the authorities that he was
"ready to hand them over for trial, -
"and to deliver up all the arms and
"guns he had seized in their house.
"In a few days, he did send 21 of
"the prisoners and the weapons to the
"officials, who were to examine and try
"the men, but he still retained the
"leader,

"leader, named Hu Si on board ship. -
"About the time that the "Wachusett"
"was to sail, Capt. Townsend and my-
"self agreed upon the following heads
"with the Collector of the port and the
"Deputies, as the basis on which the
"trial and arrests should be settled.
"1st That the leader Hu Si should be
"handed over to the local authorities,
"who engaged that he should not escape
"from their hands. - 2^d They agreed fur-
"ther to arrest the two other leaders
"of the swordracks, named Hu Tai and
"Hu Wu. - 3^d That as it had been proved
"on trial that four foreigners had been
"wounded in the attack, one of whom
"had had his leg amputated, it was
"agreed that a compensation of 1500
"taels should be given them. All the
"local authorities have agreed to these
"points."

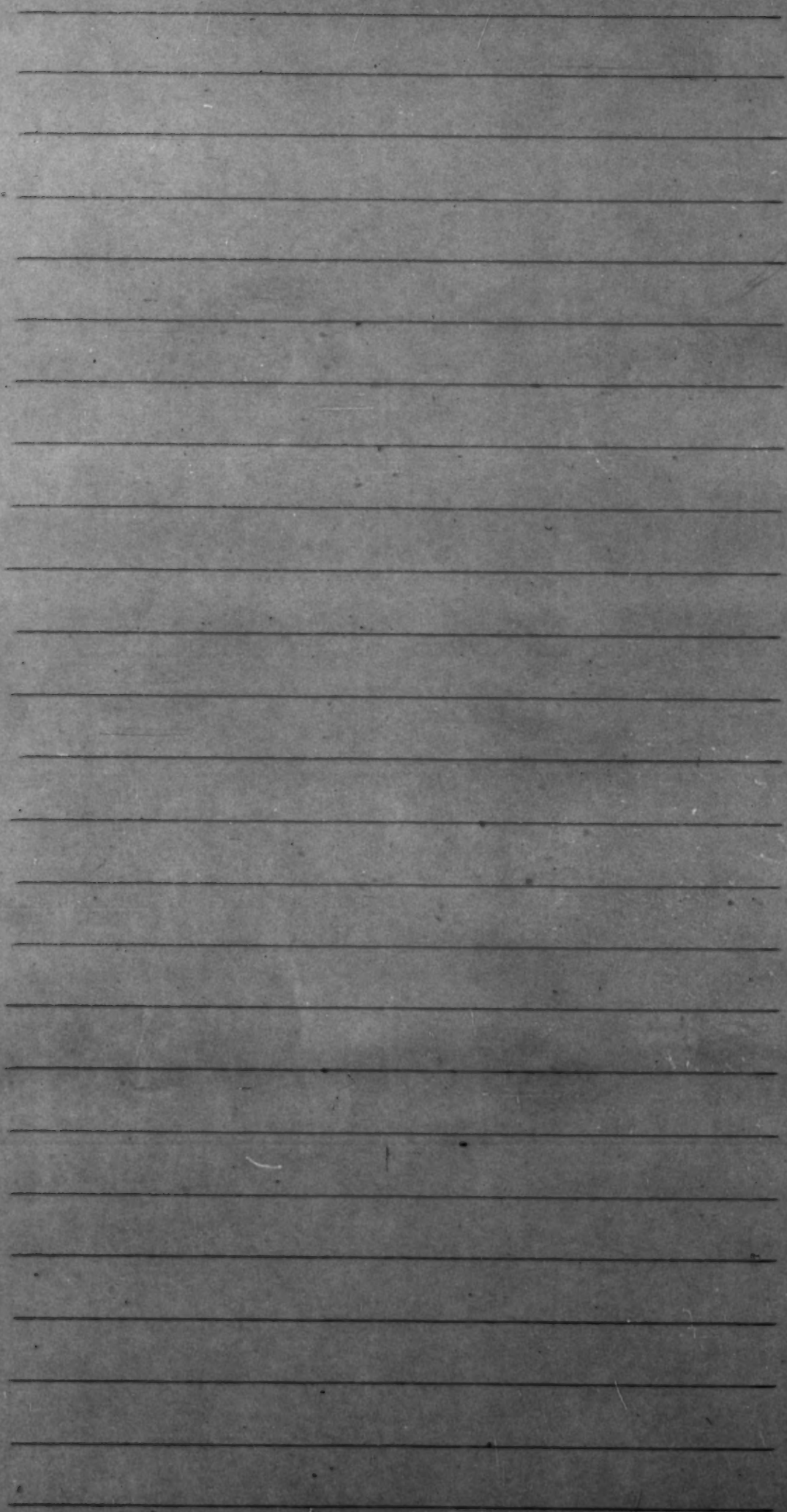
From the preceding statement,
I am quite convinced that the Col-
lector Ching, and the deputed officers

Yuh

Yuh and Kwei, have examined and decided this case in an equitable and just manner. The prisoner Chin Hi-shing and his four accomplices have confessed that they fired at the foreigners, who had given them no provocation, with the intention to kill them; and as the matter has been unraveled and sifted to the bottom, it only remains that they all be summarily punished according to law.

As to the compensation of 1500 taels, which the officials agreed should be paid to the wounded men, it will be entirely in accordance with the precedent recently given at Niuchwang, in the case of an British subject, who was fined 500 taels for accidentally wounding a Chinese; and I have therefore to request that it be immediately paid to them and the case settled.

I have the honor to be,
Sir, Y. I. H. Obedient Servant
J. Mills Williams,



ack 4 N^o 39

N^o 40. *For* Inclosures.

RECEIVED,
Dept. of State,
NOV 15 1866

Legation of the United States,

Peking, August 18. 1866.

Sir,

When Mr. Knight, the U. S. Vice-Consul at Niu-chwang, reached this city on the 17th ult., he visited all the foreign ministers in order to explain to each of them personally the condition of affairs there, and the importance of securing protection for life and property from the bands of lawless ruffians who kept the country in terror, and had been implicated in the attack on him. They were gratified to have the clear account which he was able to give them. Taking for my guide the propositions in Mr. Knight's report given in my last dispatch.

Hon. Wm H. Seward

Secretary of State.

Inclosure
A.
Joint
Letter to
Prince
Kung

dispatch, I drew up the letter to Prince Kung
(Inc. A.), which my colleagues agreed to address to him separately, and send to him on the same day. Her Britannic Majesty's Minister directed his Secretary of Legation, Mr. Wade, to join me, as his deputy, in a visit to Wansiang, to whom the whole subject was presented in the clearest manner. Mr. Knight accompanied us, and described the attack on himself and consequent proceedings of the officials, and proved their utter inability to resist the depredations and insolence of the swordracks.

Inc. B.
His reply
promising
strong
measures.

I have also the honor to inclose a copy of the Prince's reply (Inc. B); and I was told to-day that a body of 500 foreign armed and drilled troops have been sent to Yingtzi in accordance with its recommendations. There

There is one feature of this affair at Niuchwang which has not been at all apparent at any other port, viz. the planning of a deliberate attack on foreigners by native banditti, showing that they were conscious of the inability of their rulers to punish them for any assault they might make. The people have borne their exactions as best they could, and with surprising patience; but things there have reached such that the authorities are now likely to adopt measures to repress these ruffians; and our united representations will stimulate them.

The foreigners at Gingtsi habitually carry arms, which is unnecessary anywhere else in China; and the result of this first attack by the swordracks will not encourage

encourage them to repeat it, while the ease with which Commander Townsend's party arrested a number of them will deepen the impression. The arrival of the "Wachusett" was most opportune, and the terrified people showed their sense of the security she gave by relanding their goods and reopening their shops. Since she sailed, no indications of an intention to revenge the death of the men who were killed have appeared; and the Chin criminals are still in prison. The military have also destroyed some houses belonging to the organization, which promises more active measures against it; and I understand that the English Admiral will send a gunboat to winter there to give additional security to the settlement, which contains altogether about seventy people.

I have, &c

S. M. Williams

Legation of the United States

Peking, July 20th 1866

To His Imperial Highness Prince Kung

sc sc sc

Sir

The United States Consul at
the port of Nanchwang has recently informed
me that in consequence of the lawless pro-
ceedings of bands of armed men, having
their head quarters in Pingtung, who have
attacked foreigners, and committed so
many acts of violence, that life and
property of all classes are unsafe, and
the commerce of the port paralysed; that
it is imperative to take measures to remedy
these evils, and restore confidence to the
inhabitants &c &c

His Imperial Highness is already
aware of the existence of these armed bands,
but their depredations have reached so
great a height that delay is no longer possible.
The circumstances are so imminent that
I take the liberty to propose some plans
which

which if adopted will do much to re-
establish order and secure peace.

1st. An officer of rank equal to a
prefect should be appointed to reside at
Yingtes with civil jurisdiction, who can
manage all matters relating to foreigners,
and have control over the country for
at least 20 miles around that town.

2^d. He should have the control of
at least five hundred foreign raised dis-
ciplined troops, to suppress these bands
of lawless men, who now infect the town
and adjacent country and bring their
leaders to punishment and also to seize
the firearms which they have stored up
to supply the men under their control.

3^d. The people should be forbidden
to carry swords and arms when they go
abroad; they have been obliged to do so
by the lawlessness of the ruffians, but it
tempts to acts of violence and causes
general suspicion and alarm.

If these steps are immediately
taken the increased revenue of the post
derived

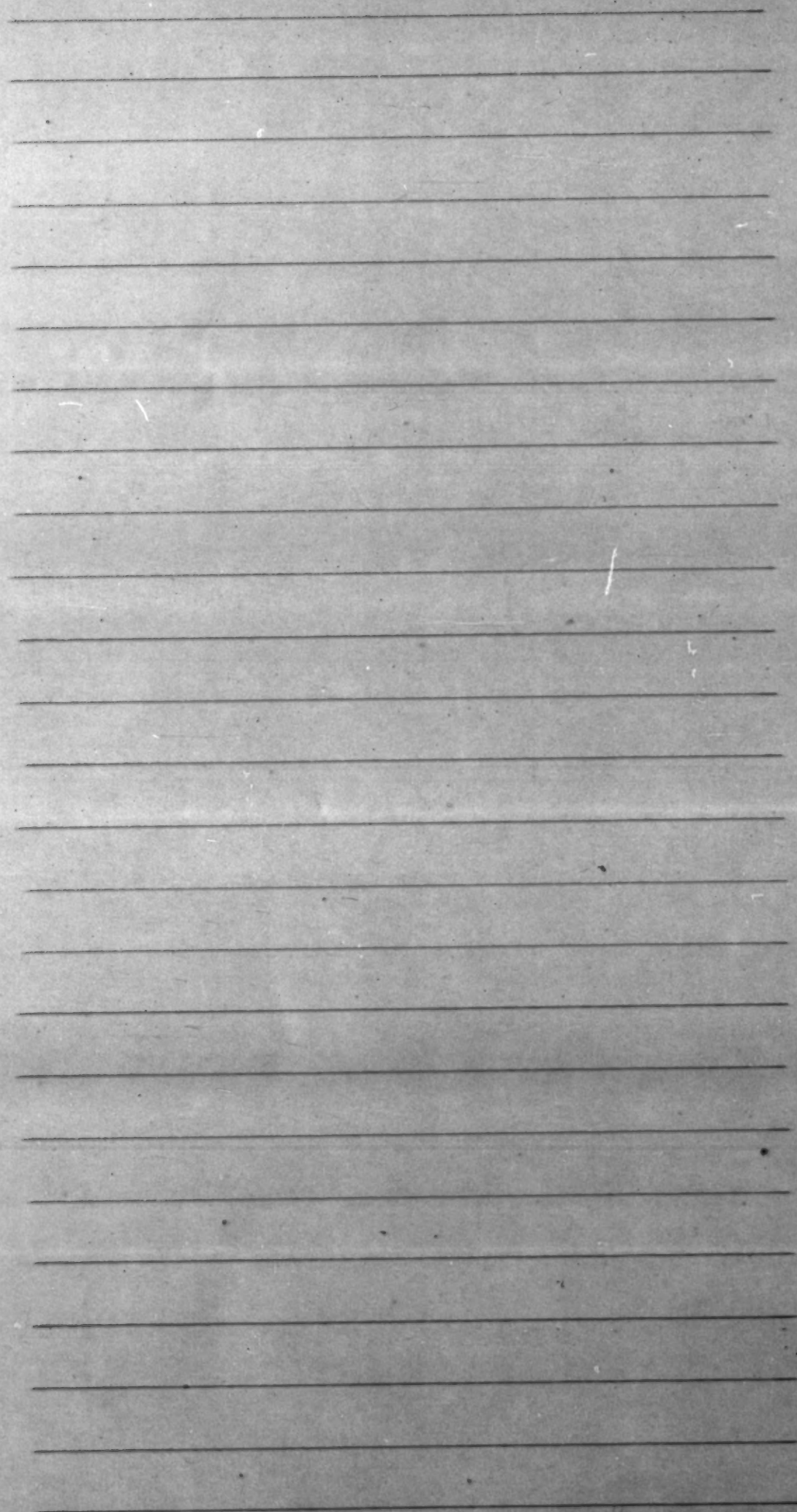
devoid from the larger trade, will soon
defray the outlay on the part of the Imperial
Government, and restore quiet to all that
region; but a longer delay will compel
foreign nations to do something to obtain
that security which H. I. M. is by treaty
required to maintain.

I have the honor to be

Sir

Y. S. H. Ob't. serv't

Edw. Williams



Prince Kung Chief Secretary of State for
Foreign Affairs, herewith sends a reply.

I have the honor to acknowledge
the receipt of your Excellency's dispatch of the
20th inst, in which you inform me respecting
the disturbed state of Ninchowang and propose
three plans for remedying the present evil.

In reply to this dispatch it may
be stated, that as the affairs growing out
of the intercourse between natives and
foreigners living at Ninchowang or Ningtsi,
in the districts of Haiching and Kai-ping,
in the province of Liautung, were becoming
very troublesome, for, although these two
districts are near each other, and in-
volved in the same events, they are still
under different authorities, I memorialized
the Throne last year, and obtained per-
mission to have sufficient powers granted
to the collector of Customs of the eastern
district that he might consult with the
local authorities of those districts, and
attend to and settle all complaints of
robbery

robbery and loss of life, or litigation &
all cases arising out of the foreign trade.

Your other proposition to send
drilled troops to Niu-chwang has already
been under careful consideration, but
the matter shall again receive careful
deliberation, as to how the drilled
troops may be increased in those places.

As to the other proposal in the
dispatch under reply, that fuller meas-
ures should be taken to repress and
punish breaches of the peace in those
districts, I have accordingly now sent
particular orders to the local authorities
to join with the collector of customs,
and give their earnest undivided ef-
forts to carry out all proper means, and
not to stop till the brigands and robbers
are exterminated. I have enjoined them
not to begin vigorously, then end negligently;
but so to act, that my plans of protecting
and guarding the people of those districts
shall be effectual, and your Excellency's
clear and wise suggestions to the same

End

and shall be perfected.

The Foreign Office will devise immediate measures to preserve the peace in those quarters, and also to appoint suitable officers to govern them with due regard to the efficient protection of every interest; and it is for the purpose of informing you of what has been done that the present reply is now sent.

To His Excellency

S. Wells Williams

U.S. Charge d'affaires

July 27th 1866. (Pungchi, 5th year

6th moon, 16th day)

RECEIVED,
Dept. of State,
NOV 15 1866
No 41.

M. B. M.
Oct 4 1877

Legation of the United States,
Peking, August 24. 1866

Sir,

In reply to your dispatch
No 163 of April 17. 1866, I have the
honor to inform you that the body
of Henry A. Burgevine was
brought to Shanghai, and buried
in the Foreign Cemetery; and that
the expenses attending its trans-
portation and burial were only
partially defrayed by the proceeds
from the sale of his trunks and
clothing, the only property that
he had at the time of his death.

J.

To Hon. William H. Seward
Secretary of State

I have the honor to be,
Sir,

Your Obedient Servant,
J. W. Williams

No. 119.

RECEIVED.

Secy of State,

DEC 10 1866

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No 179

M = State

Shanghai

Sept. 19th 1866.

Sir,

I have the honor to inform you that, with my family, I this day arrived in China, and have entered upon the active duties of my office.

In California, while waiting for the Swallow, a barge of two hundred and fifty tons, to be made fit for a voyage across the Pacific, I did what I could to awaken an interest in the trade of the East, and I have reason to believe that, with the Pacific Mail Steamers, there will go out influences by which the current of exchanges may be largely and immediately directed toward and through

Hon. William H. Seward,
Secretary of State.

through the United States.

At the Hawaiian Islands I heard much of foreign intrigues but after a careful examination of the evidence, I am constrained to say that, in my judgement, there is no danger to be apprehended from these; for the reason that our people are so alive to them, and because the Americans, and the natives who agree with them, constitute nearly the whole population. The King is said to be against us, and this may be true in so far as he naturally sympathizes with his confederates; but he can do nothing practically to harm us, and those who are to succeed him are quite in our interests. The business of the Islands is conducted by citizens of the United States — they are the principal land owners, and thirty years of missionary efforts exclusively

exclusively American, have impressed the native population with American ideas.

In Japan I visited the Gorogio, with my esteemed colleague General Van Valkenburgh.

Rear Admiral Bell, commanding the East India Squadron, was so kind as to take us from Yokohama to Sedo, in the famous ship Hartford, accompanied by the Wyoming and Wachusett. He also landed a company of marines, who escorted us to the United States Legation. He subsequently, as one of the General's suite joined in the visit to the Gorogio. I saw during the interview that the Japanese were pleased with this demonstration of force by us in the Japan waters; they were pleased also to see a Minister from the United States, and above all
one

one who had actually served his country in the late war.

The Tycoon's government, which is the central one, is at war with the great Prince or Daimio Chochiu, who is so far successful as to cause a great deal of uneasiness.

While in Japan I had the pleasure of conferring with U.S. Admiral Bell and the British Admiral King, with a view of concerting measures for the destruction of pirates in the East, and was pleased to find those distinguished officers prepared to act promptly and in harmony.

Between Japan and China we experienced, on board of the French Steamer Dupleix, the severest "typhoon" known in the Eastern Seas for years. The barometer fell to 28.01, and we were only saved by the skill of Capt. Noël and one or two of his officers

officers.

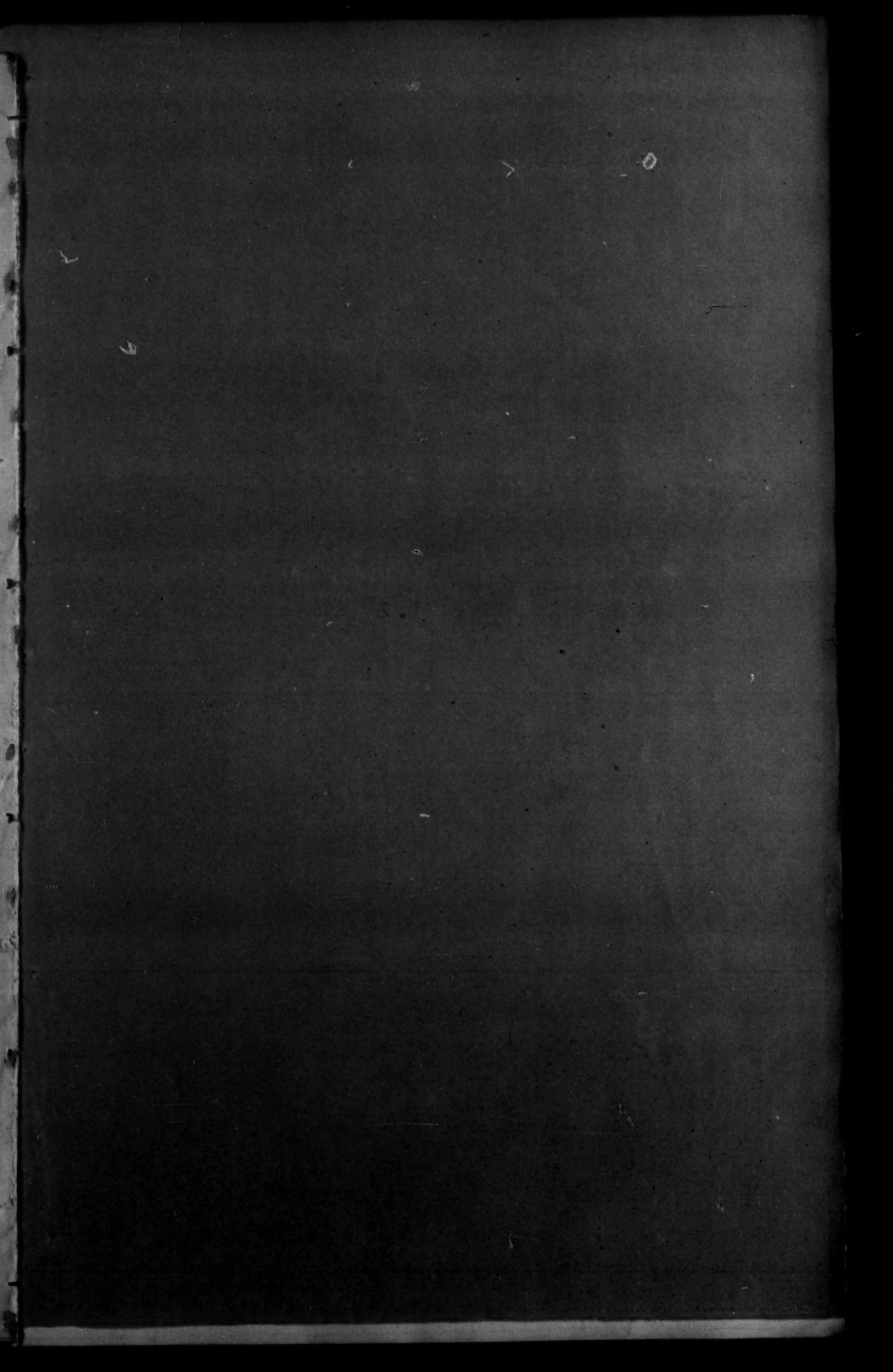
In China I find affairs a little more hopeful than formerly. Merchants are recovering from the severe financial crisis experienced throughout the East. Prince Kung is in his former position. Our true friends Wensiang and Tung have both been promoted, one to the Presidency of the Board of Office, the other to that of War. Chunglin and Hongki have also received additional titles. There has been added to the Foreign Office, Fan, a gentleman who in the last reign was degraded for writing a geography favorable to foreigners. He is now promoted for the same cause. Altogether the indications are that the Foreign Office is acquiring a greater influence in the affairs of the Government.

Government.

I have the honor to be, Sir,

Your obt^d servant

Arthur Bingham





Ack'd 189-

W. Pratt

22. 42. Six Inclosures.



Legation of the United States,
Peking, September 29. 1866.

Sir,

I have the honor to in-
form you that a long-standing claim
against the Chinese Government, arising out of the charter of the steamer "Firefly" to Li, the Governor of Kiangsu province, has been settled. The several papers connected with it contain so many repetitions and details, that they will hardly repay your perusal; and the chief interest of the affair lies in the exhibition of the pettiness of the Governor in trying to shirk his obligation to pay for the vessel.

C. E. Parker's
Claim on the
Chinese for
Str. "Firefly."

This point turned a good deal upon the terms of the charter-party (Inclosure A.), and whether the English or Chinese text was to be held as decisive. Mr. Parker justly regarded the

Inclosure A
Charter-party

To Hon'ble W. H. Seward,
Secretary of State.

Inclosure B.
Translation of
Chinese text
of Charter-party

the former as the only valid one, as he and the Governor's agent signed and sealed it together, but the Chinese version was merely sealed. I send a close translation of the latter (Inc. B.), that you may notice their differences; and seeing that nothing is said in it about the English text being the only valid one, it is not perhaps surprising that the authorities stood by their own version as the only one they knew, whatever was the usage in such cases. It is a noticeable instance, however, of the way in which misunderstandings can and do arise in China where the parties cannot read each others language, and cannot themselves judge of the bearing of arguments arising from it.

Inclosure C.
History of the
case

A concise history of the proceedings in the case is given by the Consul general in his letter to Mr. Parker (Inc. C.); and shows how diligently he labored through many months to obtain justice, before he referred the

the

the matter to Peking in November, 1864. In the seventh paragraph of this letter, he alludes to the deaths of the four foreigners who were in the "Firefly" at the time of her capture; and I wish also to notice here his unavailing efforts to obtain their release, and their unhappy fate, as illustrating the character of the struggle around Shanghai.

In January 1864, Gov. Li wrote to Mr. Seward, charging Dolle, the master of the "Firefly", with aiding or conniving at her capture, and making his treachery another reason for not paying for her loss. It was not easy to prove the falsity of this charge, but it showed that her officers might be placed in some danger from the Governor, if she should be recaptured from the rebels. It may be that, knowing at the time they were dead, he made this charge, which they could never disprove. In his letter to the Legation of Feb. 1. 1864, Mr. Seward says, "Some ten days since, a man named Thompson, who has been concerned in trading
"with

Deaths of
Officers of the
"Firefly."

"with the rebels, came to me, and stated
"that he had seen Dolle and the others
"a few days previously, and that they
"were detained by the Chung Wang, be-
"cause the parties implicated in the
"capture of the "Firefly" had represen-
"ted that in case they should return
"to Shanghai, the presence of the others
"would endanger their safety. Thomp-
"son further represented that he was
"confident that the Chung Wang would
"release Dolle and the others at my
"request, and volunteered to aid in con-
"veying it. I hesitated to grant such
"a message, but finally concluded that
"I should be doing an injustice to the
"unfortunate men if I should neglect
"to avail myself of means which might
"secure their return, or at least conside-
"rate treatment.

"I accordingly sent Thompson,
"and a companion named Williams,
"to the Governor, with a statement in
"writing of their errand, and a request
"that he would furnish them with passes
"into

"into the rebel lines, and issue orders
"that they should not be molested when
"coming out. He declined to give them
"passage through his lines, and dismissed
"them. Foolishly, they attempted to go thro'
"without passes and were turned back.
"I propose to send them again to the
"Governor, through Major Gordon, upon
"the same errand, and hope to be more
"successful; for I consider it my duty
"to take all legitimate steps to secure
"the return or considerate treatment
"of the prisoners."

But they had been dead some weeks already, for not long after the date of the above letter, the Chinese servant of Lieut. Easton (who was on board in charge of the steamer under Major Gordon at the time of her capture) returned to Shanghai and stated that his master, with Dolle and the others, had been sent on shore at Wusik on the 10th of December, as the "Firefly" was called to go into action to defend the city against the Imperialists. She did not return to
her

her anchorage, but went on to Chang-chow, leaving the four men in the hands of the rebels, who that night or the next executed them all by binding their hands behind their backs, and placing them over a fire.

On the 24th of February, Major Gordon's force came to Musih; and on making inquiry, some of his men were shown the place of execution and the grave where the bodies were buried. They found a coat recognized to have belonged to Martin, riddled with spear cuts, a portion of his vest and a pocket-handkerchief with his name on it, with pieces of foreign clothing and half burned bones lying about. On removing the scanty covering of earth from the grave, four bodies, answering to the dimensions of the four men, were found and exhumed. From three of the skulls the upper part had been blown off; the bones of the extremities showed that they had been burned also, and the
scorched

scorched skin was still visible on the back of the trunks. The fourth skull was entire, and the hair proved that it was that of a foreigner, as did also the other portion of the vest found at the place of execution.

On receiving all the documents connected with the loss of the "Firefly," the claim was brought before the Foreign Office (Inc. D.), and compensation demanded according to the terms of the Chinese version of the charter-party. In his reply, (Inc. E.) Prince Kung recapitulates the same reasons for not paying it that Gov. Li had adduced, but agreed to refer the matter back to him to re-investigate. On the 7th July, it was again brought up, when a new reason was alledged for not paying it, viz, that "Major Gordon had said, "that as the "Firefly was not in the interior when "she was captured, the contract did not "oblige the charterer to pay for her; and "moreover, the delay of her captain in "not obeying his orders to start, but over-
"staying

Inclosure
D.

Inclosure -
E.
and efforts
to get claim
settled.

"staying his time, had thrown the whole
"onus of the loss on him." On the 18th
of October, I was able to show the falsity
of this assertion by reference to Major
Gordon's own recorded statements; and
also to strengthen my argument by quot-
ing the united decision of the Ameri-
can, English and French consuls at -
Shanghai, who had been requested to in-
vestigate the case by Gov. Li himself,
aided by deputies of his own choosing;
all going to prove the admitted liability
of the Chinese authorities to pay the claim.

However, the Foreign Office seem-
ed to be unable to do anything decisive
until the report of Gov. Li was received;
but I think the matter was verbally
brought to their notice about once a
month. In May last, I obtained a
written promise, in reply to another appeal,
that the claim should be settled,
according to the terms of the charter-
party; and in June was told that the
Intendant of Circuit and United States'
Consul-general were quite competent to
arrange

arrange it. On the 9th of July, Mr. Seward wrote that the Intendant had merely repeated his first offer of 10,000 taels, which was of course declined.

Another note to the officials in Peking, stating this, brought a reply on the 9th of August, to the effect, "that further dispatches had been sent to the Superintendent of Commerce (Gov. Gen. Li) requiring him to give such orders as will bring about the speedy settlement of the case on terms of equity and right, no longer permitting any procrastination on the part of any one." My last dispatch to Prince Kung (Inc. F.) details the time and terms of final settlement; nearly three years after the capture of the steamer.

Inclosure
F.
Terms of
Settlement

The whole correspondence serves to illustrate the position and authority of the central and provincial governments in this Empire; and it is in this view, probably that the case will chiefly interest you. One cause of the delay in paying the money may have been the

the heavy charge on the revenue at Shanghai to meet the instalments due on the English and French indemnities, which were all liquidated last summer; but I am told that, finally, the unlucky broker who — acted for Gov. Li, was compelled to furnish 25,000 taels to make up the sum paid for the steamer. Moreover, among the Chinese themselves, after the ravages and disasters of a rebellion are ended by its suppression, all parties bear their own losses; there is no national debt nor national credit, and no presentation of claims for aid by private individuals to Government. All this makes the latter slow to hearken to such demands from a foreigner, and every official is desirous to shift their settlement on his successor.

I have the honor to be,
Sir,

With great Respect,
Your Obedient Servant
S. M. Williams

Copy of English text of Charter party, Inclosure A.

This Charter Party, made and concluded upon in Shanghai, the twenty-ninth day of June, in the year 1863, Between C. E. Parker Esq. of the first part, and His Excellency the Fatai of the second part, witnesseth - That the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the said party of the second part, doth covenant and agree on the chartering of the steamer "Firefly" unto the said party of the second part for three months certain, with the option of continuing the said charter after the expiration of the above named three months, on the terms following, that is to say:

First, The said party of the second part doth engage to pay unto the said party of the first part the sum of taels Three Thousand per month, payable monthly in advance, for the charter of said steamer for the term of three months, and for such further time as may elapse until she be delivered to the said party of the first part, at the above rate of taels Three Thousand per month in advance.

Second.

Second. The said party of the second part further doth engage to find all necessities, as crew, coal, &c., except engineers.

Third. The said party of the second part doth further also engage, in case of loss of said steamer, to pay the sum of taels Thirty-five Thousand, or in case of damage to pay such sum as may be determined on by a disinterested party, to be approved of by both the parties of the first and second parts.

Fourth. The charter of the said steamer to terminate in Shanghai

In Witness whereof, the said parties have hereunto set their hands and seals, the day and year first above written.

(signed) C E Parker

(signed) 心好

Signed in the presence of

(sg) James J. Wheelock

A contract respecting the charter of the steamer "Firefly" from C. E. Parker, an American, to His Excellency the Governor (Futai). This ^{agreement} states that the parties have settled and agreed that the monthly net payment shall be 3000 taels for three months certain; if she is chartered after that time is completed, or is returned [to the owner] depends on what shall be further agreed upon between the parties. They therefore make this charterparty, and write out the following stipulations in order that there may be clear evidence of the transaction.

First. When the steamer is delivered to the Governor, he is to pay in advance the monthly charter of 3000 taels, and successively the same sum in monthly payments.

Second. The wages of the captain and crew, their food and coal, are all to be paid by the Governor.

Third. The engineer is to be furnished by C. E. Parker.

Fourth. As the steamer is going into the interior, and no one can tell what evil may befall her, it is right to request that the
Governor

Governor to donate to C E Parker, 35,000 Hs. for her hull [if she be lost]; and if she be damaged, a fair price for the injury sustained, which is to be estimated in an equitable manner, and defrayed by the Governor.

The foregoing stipulations are agreed upon [as if] in the Governor's court; and I (the charterer) would not presume to annoy [your Excellency] with these minute details, did I not fear that there might otherwise be no evidence of the transaction, and so I am constrained to do this even at the risk of bothering your Excellency's ears. I have the greatest hopes that your bear-like warriors will pass over with flying haste to where the pismires are, and pitilessly cleanse the whole region of them. Then will the people chant psalms of victory, and joyfully appreciate the Virtue which has done it.

Dated June 27. 1863

The charterer, C E Parker, an American of Messrs. A. Heard & Co's firm, signs this.

Brokers, Wheelock & Co. sign this.

G. F. SEWARD, Esq., U. S. Consul General to C. E. PARKER.

DOCUMENT No. 10

SHANGHAI, September 29th, 1864.

MY DEAR SIR,

In accordance with your request, I beg leave to hand you copies of the letters which have passed between the Chinese Authorities and myself, in regard to the *Firfly*.

It will be useful perhaps if I give you, officially, such information as may be necessary to enable a third person to understand more readily the merits of the case.

The steamer was seized on the 22nd November last; she was at the time at anchor above the foreign anchorage of this port. Her late Master, Ludlam, had with major Gordon's consent been superseded by Captain Dolle, who was about to make his first voyage in the command. There were also on board William Petty and two other foreigners. Dolle, Petty, and Martin, one of the others, were citizens of the United States, and men of whose good character I can personally bear evidence.

The seizure as has been ascertained was effected by a party of foreigners. The ringleader was one Lindly, who has effected his escape to England and published a book in supposed advocacy of the Tai-ping cause. Another member of the party named White was arrested by the Marshal of this office. He, proving to be a British subject, was tried for the offense before Her Britannic Majesty's Consul, and condemned to three years imprisonment. He has since died. Morrice, lately convicted as one of the captors of the *Tsatler*, is understood to have been concerned in the capture of the *Firfly*. Another, named Hart, was shot by White. Another named Collins has escaped from the country. Still another person is under surveillance, and will be arrested and tried if sufficient evidence can be procured.

You will notice that the Futai in his first dispatch, alleges that the steamer was captured by Burgevine's friends. He afterwards states that there is no proof of this.

In his second dispatch he urges that the steamer must have been taken away by Dolle and the others. He has since stated that he has direct information from eye witnesses, that these latter were murdered by the Chung Wang because they were unreasonable in the demand made for the remuneration they should receive for the service rendered.

The truth is probably that they were murdered in revenge for the murder of the Wangs. I have clear testimony that the murder occurred at Waseh after the fall of Soochow, and while the victorious Imperialists were harassing the Chung Wang, at the former place. The affair under such circumstances seems only a natural result of the exasperation which the rebel leader must have felt. This explanation is fully sustained and established by the evidence regarding the actual captors of the steamer. It may then be taken for granted that the steamer was not carried away by the action or complicity of the crew.

If such had been the case the rights of the matter would not have been different. The Master and crew were, as I understand, the chosen servants of the Futai and paid by him. If no other reason should intervene you would still be entitled to claim from the Government.

The Futai says that there is another reason why he should not be considered liable to make payment of the forfeiture provided in the charter party. He urges that this document states that the forfeiture is to be paid in case the steamer is lost in the interior, whereas she was lost at Shanghai.

You will notice that in the joint dispatch dated December 30th Messrs. Rameau and Markham concurred with me in saying that we considered that the charter party could not rightfully be construed in such way. We held that the English copy should rule, and as there is no mention made in it of the word "Interior," that the penalty could not be evaded.

Although the provision of the fifteenth article of the British Treaty cannot be considered as conclusive that the foreign writings in matters of contract shall be taken as expressing the sense of the contracting parties; yet in the absence of any provision in such matters, it should, where fraud is not suspected, be accepted as affording an indication that such is the rule which is open to the least objections.

In the case in hand, your own signature and the seal of the native official is attached to the foreign document. The seal only of the native official is attached to the Chinese writing.

I have understood that there is a degree of ambiguity in the native version of the clause in question. To settle the meaning, I called in the linguist of the Consulate who stated that the Chinese document was prepared by him, or under his direction if I remember rightly, from the English original and that it was intended to cover the same ground. He also stated that the mention of the interior in the Chinese was only in reference to the intended use of the vessel.

I understand that other persons have said that it could be thus explained without violence in construing the sentence.

There is another point upon which no evidence, pro or con, is before me, that of the alleged detention of the steamer for a longer time than it was intended for her to remain here. This detention is neither proven, disproven or explained. It is desirable however that the truth of the matter should be ascertained. The Futai says that the vessel was detained by Ludlam, and that Ludlam was a part owner. The capture is thus traced to his interested act. I strongly recommend that the point should be cleared up. It was canvassed by myself and my colleagues, when engaged in the matter, and dismissed as unproven; I am not certain however that it will be so regarded elsewhere, and quite certain that the point will be brought up by the Government. I have always insisted that Ludlam's fidelity, during a time of great temptation, entitles him to a degree of confidence at our hands.

The dispatch of January 24th informed me that there was no prospect of a settlement of the matter here. I accordingly, at your request, referred it to Peking. I have as yet not heard that Mr. Burlingame has found time to enter into the case.

Some short time since, I was informed that an offer of \$10,000, had been made by the Taoutai to settle the matter. At your request, I have seen the Taoutai, and later the Futai in the matter, supposing that the offer indicated a desire on their part to finish the business. These interviews have been utterly unsuccessful. At the close of the last, I withdrew your offer to compound the matter, preferring that if you were forced to await the result of a tedious diplomatic attempt at Peking, you should at least get your full due at last.

There is only a word to be added, which bears upon the nature of the report made by myself and my colleagues.

The conference was attended by Messrs. Rameau and Markham. Mr. Mayers acted as Interpreter. There were present two or three Chinese officials of whose exact station I am ignorant. The conference was sought by them. Our understanding was that our opinion would be accepted by the Futai, and that these men were his representatives charged with the duty of putting his case before us. There was nothing brought forward which we thought worthy of notice, except the point as to the construction of the charter, and we accordingly confined our letter to an expression of opinion upon that point.

I am, Sir,

Yours respectfully,

(Sgd)

GEO. F. SEWARD.

U. S. C. G.

To

C. E. PARKER, Esq,

Legation of the United States,
Peking, March 13. 1865

To His Imperial Highness Prince Kung

to to to

Sir,

Mr. Seward, the U. S. Consul-general
at Shanghai, has sent me the following report,
dated October 30. 1864:—

"On the 27th of June 1863, the high officers
"of the province of Kiangsu chartered the steamer
"Firefly" of C. E. Parker, an American citizen
"to be used in operations against the insurgents.
"The charter-party was made with an agent of
"the Government, and the monthly charter was
"settled at 3000 taels for three months certain,
"with the option of continuing after that time;
"it was also stipulated, that, as the vessel was to
"go into the interior, and it was impossible to say
"what might occur, the sum of 35,000 taels should
"be paid to Mr. Parker as indemnity if she was
"lost.

"The charter-money had been regularly paid
"in advance for four months, when unexpectedly
"the steamer was seized and carried off by a party
"of foreign brigands while at anchor, Nov. 22. 1863,
"near

"near the encampment above Shanghai, and deli-
"vered over to the insurgents, with the captain,
"engineer and two sailors, Americans, who were
"on board at the time, and all of whom were
"afterwards killed by them. The vessel itself
"was destroyed about two months afterwards
"by the cannon of the Imperialists in an attack
"made upon the insurgents.

Previous to this, Mr. Parker had entered
"his complaint against the authorities at the
"consulate, and I applied for the 35,000 taels
"the estimated value of the vessel according to
"the charter-party. The Governor replied on the
"3^d of December, declining to pay the demand
"on the ground that the vessel was not in the
"interior when she was captured; but admitted,
"that if she had been at Suchow or in the region
"of Lake Ta-hu at the time, he would then have
"been liable to make good her loss. He more-
"over requested that the English and French con-
"suls should join with me in arresting the
"captors, and have them punished; and likewise
"decide what proportion of the value should be
"paid the owner by each of the three nations, -
"adding, too, that he suspected some collusion
"existed

"existed between the crew on board and the captors.
"Regarding this last charge, there is no evidence
"of its truth; but the contrary, for as the crew was
"killed by the insurgents, one can easily see that
"no collusion existed. The Governor also says
"that the "Firefly" should not have delayed so long
"as a day and a half; but Gen. Gordon has shown
"that she was necessarily detained to convey
"Gen. Brown, the English commander-in-chief, up
"the river; and was receiving a new captain on board,
"so that this detention of 36 hours was entirely
"unavoidable. Gen. Gordon also expostulated with
"the Governor, and told him that the terms of the
"contract ought to be honorably fulfilled and the
"steamer paid for; whereupon he assented so far
"as to say that he would, in order to settle the case,
"pay Mr. Parker the sum of \$10,000, and remit the
"whole business to Ting, the Intendant of Circuit,
"to arrange.

"I accordingly had an interview with Ting,
"who, after a full conference, said that he was
"willing to pay 10,000 taels to liquidate the claim.
"I however informed him, Sept. 5. 1864, that Mr. Parker
"would settle the case if the Chinese authorities
"would pay him 30,000 taels, and give him the
"wreck

"wreck of the vessel as it lay. To this proposition
"no answer has been received; and I therefore
"lay all the papers connected with the case
"before your Excellency for your action thereon."

On receiving the above and examining the papers, it appears to me that the contract does not expressly state what place is intended by the phrase going into the interior; but certainly, if the vessel was lying near the cantonment, she must be considered to have been then in the interior. Also, as Gen. Gordon himself observed, that, as she was chartered for the service of the Chinese army, it is incumbent on the authorities to fulfill the terms of the contract. The six brigands who captured the steamer fled, but three of them have since been punished by the English, while the four Americans then in her were all killed. This steamer has been burned more than a year, and as the whole region of Kiangnan is now quiet, why make any difficulty about settling such a claim as this? Rather, let the sum of 35,000 taels be paid to Mr. Parker according to the charter-party (of which I annex a copy); and I request your J. H. to issue orders to the local authorities to settle it honorably on that basis.

I have, &c.

Anson Burlingame

Prince Kung. chief Secretary of State for Foreign Affairs herewith replies [upon the matter of the steamer "Firefly"]

I have the honor to acknowledge the receipt of your Excellency's dispatch of the 13th inst., in which you quote from a report made to you by Mr. Seward, the U. S. Consul general at Shanghai, who says:— "That, on the 27th of June 1863, the high officers of Kiang-
"su made a contract with G. E. Parker, an Ame-
"rican citizen, for the charter of the steamer
"Firefly to be used in operations against the in-
"surgents, at the rate of 3000 taels a month; sti-
"pulating, that as she was to go into the interior,
"and it was impossible to say what might happen
"to her, the sum of 35,000 taels should be paid
"as compensation if she was lost. It unfor-
"tunately happened that she was carried off on
"the 22nd of November, 1863, by some foreign brigands,
"and delivered over to the insurgents; two months
"afterwards she was seen in their hands, and
"being attacked by the Imperialists with artillery
"was totally destroyed. Mr. Parker had already
"entered his complaint against the authorities,
"demanding the price of the steamer according
"to

"to the charter party" - a copy of which is appended to the dispatch now received.

On receiving this communication, I perceived that this case had already been reported upon in 1864 by Li, the Superintendent of Commerce, whose statement is as follows:-

"Gen. Gordon has reported to me that the steamer
"Firefly was chartered of Messrs. A. Heard & Co.,
"and having been dispatched to Shanghai was
"ordered to remain there two hours and then
"return; but contrary to my intentions, when she
"reached Shanghai on 13th of November, as I was
"told by Macartney, (?) the captain said he was
"going back to Suchau at 6.30 P.M. that evening;
"yet when Macartney had left him, he did not
"start as he had promised, but tarried a whole
"day on his own responsibility, making altogether
"a detention of 36 hours, so that the vessel was
"was captured on the 15th while lying off the
"Yangking-pang creek. As she was chartered under
"Gen. Gordon's orders, it was imperative on
"the captain to abide by them; and why, then,
"did he not start at the appointed time?

"Now, the anchorage off the Yangking-
"pang creek is not in the interior, but only a
"few

"few steps from the Consulate; if this steamer
"was captured in this place it surely was in-
"cumbent on the sufferers to report the same
"to the Consul, and have the criminals per-
"sued and apprehended. Before the catastrophe
"happened, the captain was very remiss in
"obeying his orders; and when it had occurred
"he did not take measures to have the men
"arrested. Even if he was not guilty of collusion
"with them, still he deserves to be tried and
"punished for remaining over his appointed
"time, which led to the loss of the vessel.
"It is no more than just, therefore, that the
"captain be held responsible for it, and be
"required to replace it. This statement of Gen.
"Gordon respecting the "Firefly," (adds Governor
"Li) seems to be so proper that I have ac-
"cordingly made known to the several Consuls
"my wishes upon the matter, and now send
"up this my report to the Government."

The preceding report of Gen. Gordon,
who was a most honorable and trustworthy
man, seems to me to contain all the reliable
facts of this case. The steamer was char-
tered to aid in operations against the rebels,
and

and the charter-party expressly stated that if she was lost while going into the interior, as it was impossible to say what would happen to her, her value should be reimbursed. But as she was captured at the foreign anchorage in the Hwangpu river among the shipping; and, as Gen. Gordon himself shows, not at all in the interior, it is clear that the charter-party does not cover this accident. Moreover, by his unwarrantable delay beyond the time, the captain became liable for the misfortune which resulted in the loss of the vessel.

However, since I am now in receipt of the present statement from your Excellency on this matter, I will again send orders to the Superintendent of Commerce at Shanghai to examine anew into the real facts of the case and decide it - which is the special purpose of this reply.

To H. E. Anson Burlingame
U. S. Minister to China

March 28. 1865. (Tungchi, 4th year 3rd moon 2nd day.)

Legation of the United States,

Peking, September 27. 1866

To His Imperial Highness Prince Kung,

Sir,

I have the honor to inform you that on the receipt of the note of the 9th ult: from the Foreign Office respecting the steamer "Firefly," in which it was stated "that the case should be settled according to the terms of the charter-party, and the local officers be no longer suffered to delay as they had done," I sent it to the Consul-general at Shanghai. Yesterday, I received from him, the following report upon the case: -

"On the day that your dispatch came to hand, the Intendant of Circuit again informed

"informed me that he was desirous to settle
"the affair by the payment of ten thousand
"taels, and delivery of the hulk to the charter-
"party; but I replied, that I could settle it
"only according to the terms of the charter-
"party, with interest to date, and that such
"was decision too of the Foreign Office. On
"the 10th inst. Mr. Parker told me that, seeing
"the case had now been prolonged for three
"years, if within ten days, the Intendant
"would pay over the sum mentioned in
"the charter-party, and deliver him the hulk
"of the steamer, he would forego all claim
"for interest, in order that it might be
"closed up. I accordingly informed the
"Intendant, who accepted the proposal, and
"sent the sum of thirty-five thousand taels
"on the 12th inst., with an order for the de-
"livery

"livery of the broken hulk as she lies. This
"therefore finishes the case."

It is with much satisfaction that
I have learned from the preceding report
of the Consul-general that this long-stand-
ing case is at last settled, owing to the
directions which have been sent to the
local officers; and beg to express my thanks
to your Imperial Highness for the same,
and thus bringing the tedious correspond-
ence on the subject to a close.

I have the honor to be,

Your Imperial Highness

Obedient Servant,

J. Wells Williams

Mr Batt

Acth. ^{Immigration}
N. 43. - ^{gratuity} ~~Three~~ Inclosures.
v. ^{Have} ^{proceeds} ^{be} ^{added} ^{come} ^{on}
Legation of the United States.

Sir, Ackd 186

I have the honor to forward to you a short correspondence (marked A, B, and C.) relating to the erection of lighthouses along the coast of China, which I commend to your notice. The subject has been often brought before this Government since the treaties were signed, but hitherto without any noticeable results; owing partly to the demand for every resource to put down the rebellion, and partly to the drafts on the revenue to pay the indemnities to the Allied Powers. The present movement is due

Hon. William H. Seward
Secretary of State.

a good deal to the continued representations of Mr. Hart, the Inspector-General of Customs; and now that it is begun there is reason to hope that it will be followed up with vigor. The sum of 36,000 taels (about - \$57,000) has been set aside at Shanghai for the purchase of the iron lighthouse during the present year; and it will perhaps be in operation before the end of next year.

Annual
Income
from
Tonnage-
dues

From the Custom-house reports for the years 1864 and 1865, it appears that the income from tonnage dues at thirteen ports during those years was 301,152 taels, and 284,353 taels respectively; but owing to the feature of Chinese polity - which requires that the resources of each province be appropriated to the expenses

expenses of that province, not even the whole of this small sum will be available for beacons at those points where they are most needed. A portion of it is already used in maintaining a few lightships and beacons; but the proposition has already been made to the Government to apply the revenue from the tonnage-dues wherever most needed for lights, under the direction of the Inspector-general; and will, I think, be adopted.

The inertness of this Government to originate or accept any improvements seems to be giving away before the advancing pressure of western ideas, and the officials see that they must do something to meet them. A movement of the present sort is, therefore, indicative of more than it exhibits

Encourage-
ment from
this move-
ment

exhibits on the surface; and before the people can derive much benefit from many material improvements which occidentals can offer them, their Government must make a beginning that the subjects may see how to use them. The erection of lighthouses, &c., being provided for in the treaties, can be urged upon them with great force as soon bringing their own advantages; and when the beneficial results are seen, it will serve as a fulcrum for urging other things. It is on these grounds that I regard this step as highly encouraging, and have therefore briefly shown its bearings.

I have the honor to be

Sir,

Your most Obedient Servant,

Wm. Milliam

Prince Hung, chief Secretary of State
for Foreign Affairs, herewith makes a
communication.

On the 25th ult: I received the fol-
lowing report from Mr. Fitzroy, acting
Inspector-General of Customs:-

"During the month of May last,
"an American man-of-war was at Niu-
"chwang, and Mr. Macpherson, the Commis-
"sioner of Customs, knowing that there were
"many very dangerous sandbanks off the
"mouth of the River Liaw, consulted with
"her commander [how to indicate them]. -
"Two good and eligible positions were
"selected, on which two buoys were se-
"curely moored. The captain also made
"a careful survey of the entrance of the
"river, and drew a chart, showing how
"a

"a vessel must lay her course from the
"outer buoy to the inner, when entering the
"river, and wrote out directions respecting
"the marks to be followed when passing
"up or down. After they were all drawn
"and finished, the commissioner of cus-
"toms sent me a copy. It will prove to
"be a great and lasting benefit to all
"vessels trading to that port; and I have
"had several copies of the chart and
"sailing directions printed, which I now
"transmit to the Foreign Office, with the
"request that they may be distributed."

It appears from the above that
the entrance to the River Liou had not
been previously surveyed, and many
vessels trading to Ninchwang had suf-
fered damage in consequence; the buoys

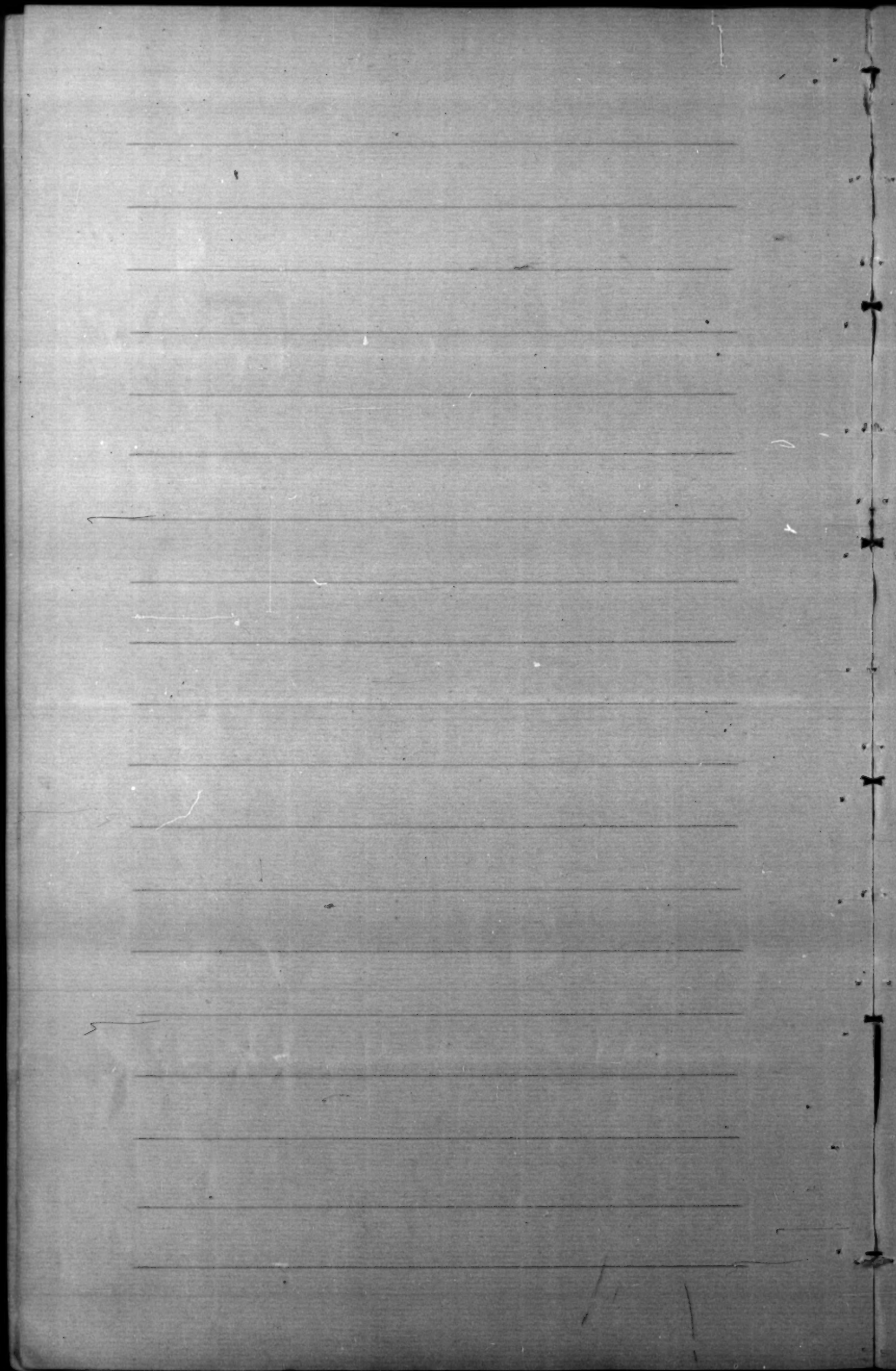
now

now moored there will, therefore, prove of great advantage to the shipping. A copy of the chart and sailing directions are herewith inclosed for your examination and use.

H. E. S. Wells Williams,

U. S. Charge d'Affaires

Oct. 5. 1866. (Tungchi, 5th year, 8th moon, 27th day.)



Prince Kung, chief Secretary of State
for Foreign Affairs, herewith makes a com-
munication.

According to the tenth article of
the Supplementary Treaty, it is provided,
"that the high officer appointed to superin-
"tend foreign trade shall establish and dis-
"tribute lights, buoys, beacons, and the like, the
"maintenance of which shall be provided
"for out of the tonnage-dues." This stipula-
tion was for the purpose of pointing out the
channel to the merchantmen as they went
in and out of the ports, so that they might
not run on the sandbanks or get into other
dangers. In furtherance of this excellent
object, I early sent orders to both of the
Superintendents of Commerce for the nor-
thern and southern ports, to instruct the
commissioners

commissioners at each port to ascertain the capabilities and requirements of their harbors in view of a speedy erection of the structures.

Reports have been received from Hankau and Kiukiang, Ningpo, Chifu and Niuchwang, together with Langshan Crossing and Wuhu on the Yangtzi River, for which places estimates and plans for their successive erection have been submitted and agreed to, so that it is thought there will be no serious obstacle to their speedy completion.

Instructions have also been sent to [Mr. Fitzroy] the acting Inspector General, to take measures first to protect the most dangerous places at the mouth of the Yangtzi River, by erecting an iron lighthouse, which

which is to be purchased abroad. It is confidently expected, when it is up and in operation, that vessels will not so often run on the sands in that embouchure.

To those other ports not yet provided with these things, orders have been again sent to the same Superintendents of Commerce to urge upon their subordinates at them to immediately make the necessary estimates for erecting what may be requisite for the convenience of the shipping, so that every port may be similarly provided with whatever shall promote the safety of vessels going in and out.

It only remains, therefore, when issuing these orders, to apprise Your Excellency of what is proposed - which is the special object of this communication.

L

To His Ex^y. S. Wells Williams,

U. S. Charge d'Affaires.

Sept. 11. 1866. (Tungchi, 5th year, 8th moon, 3rd day.)

Legation of the United States,

Peking, October 10. 1866

To His Imperial Highness Prince Kung.

Se

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Se.

Sir,

I have the honor to acknowledge the receipt of your Highness' dispatch of the 11th ult^o, in which you state that measures have been taken to place buoys, erect lighthouses, and station light-ships, at the several open ports in order to lessen the danger to vessels frequenting them of running on shore, and to permanently benefit the commerce of the ports; - and likewise, of Y. H. dispatch of the 5th inst. respecting the buoys which had been placed on the banks at the mouth of the River Liou, which, not having been
hitherto

hitherto surveyed, had often proved very dangerous to vessels; and that a chart had been drawn and printed, with directions to show the marks a ship should follow in her course, - all of which would be of great advantage to the shipping resorting to Niuchwang.

It affords me great pleasure to see that the purport of both these communications is quite in accordance with stipulations in all the treaties, - and especially with the design of Art. X. of the Supplementary Treaty relating to the improvement of harbors; and it will be a high gratification to make known these plans to my Government, by whom they will be regarded with the greatest satisfaction.

I

I may here refer to the mention made in your Highness' dispatch of the American man-of-war which was at Niuchwang. It was the U. S. Str. "Massachusetts," then in charge of Commander Townsend, who himself took in hand the survey of the channel leading into the river, drew the chart, and prepared the sailing directions. In concert with the Commissioner of Customs and the U. S. consul, he superintended the selection of the best spots on the sandbanks for the buoys, and during several days spared no pains to lay them down and complete the survey, - his only desire in doing it all being to promote the public good. To the great regret of all his countrymen, Commander

Townsend

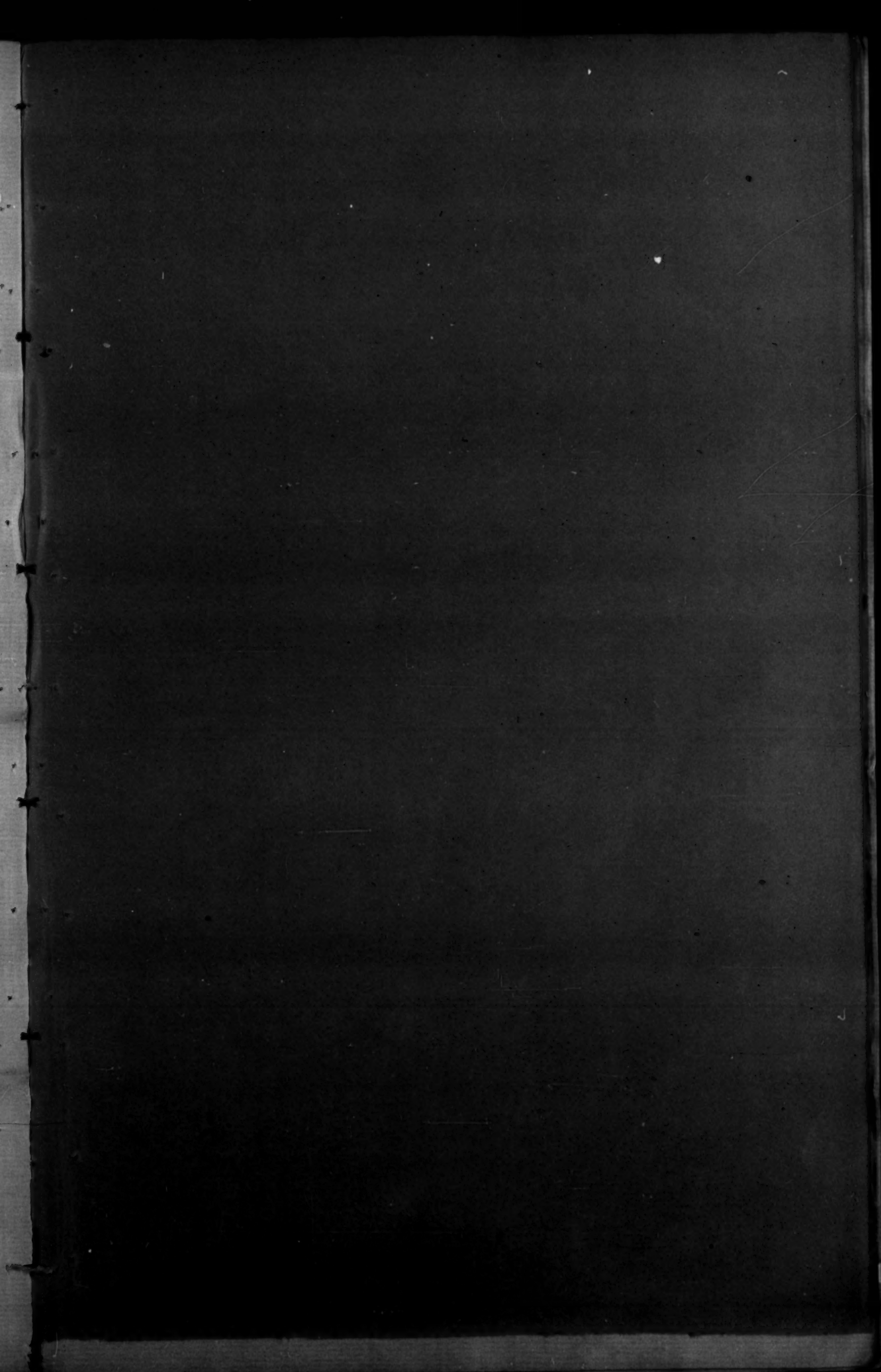
Townsend was suddenly carried off
by a stroke of heat apoplexy in the
month of August.

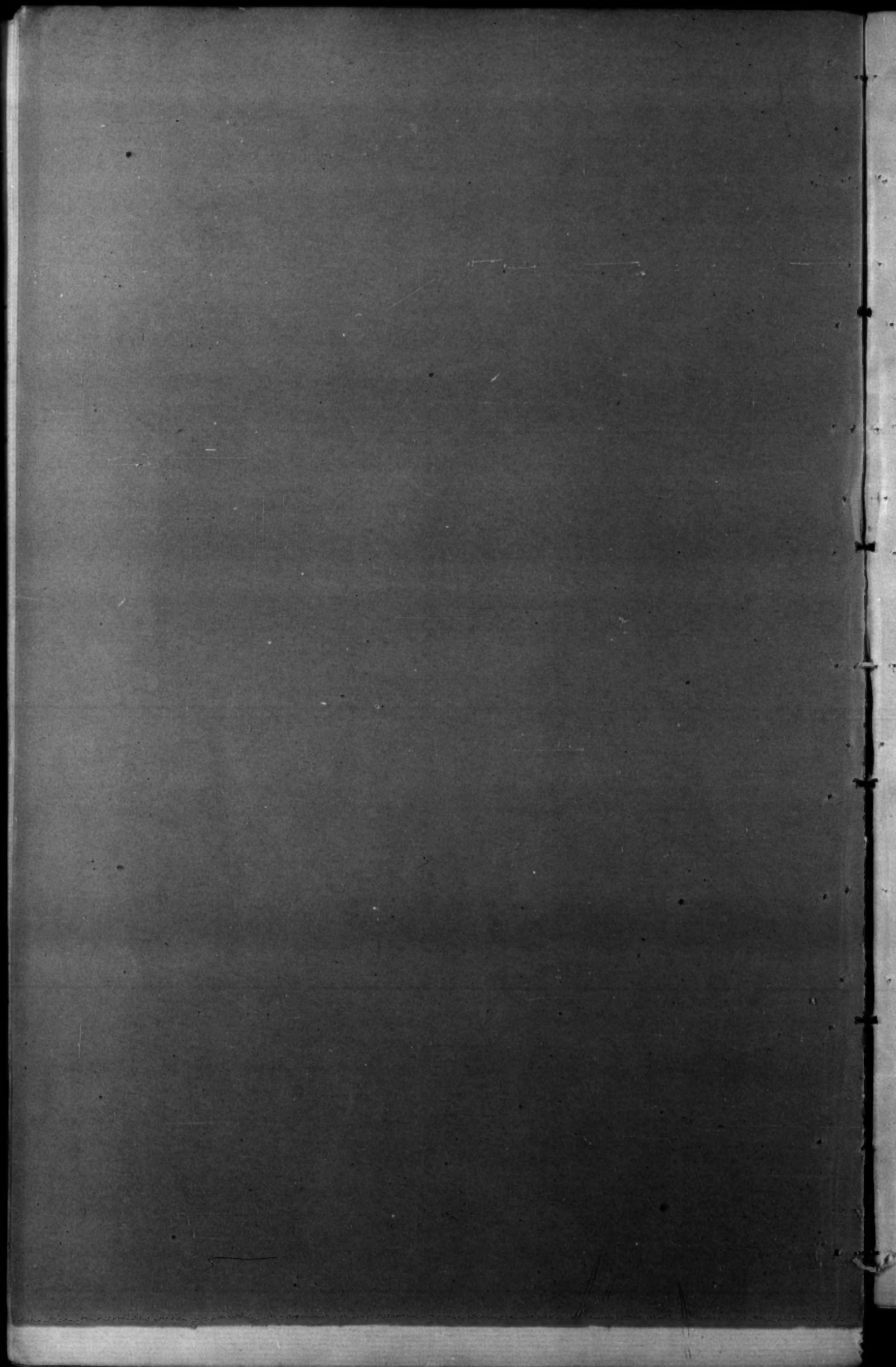
I have the honor to be,

Sir,

Your Highness' Obedient Servant,

J. Wells Williams,





No 120-

RECEIVED,

Dept. of State,

DEC 10 1866

Shanghai

Oct 6th 1866Copy to
Telegraph

19 Dec

ack by 10/17/6

I have the honor to enclose
 an extract [marked A] from Capt.
 Noël's account of the "typhoon" of
 the 15th of Sept. on the coast of
 Japan; also extracts [marked B]
 from the "Logs" of the British
 Steamers "Nippon" and "Nepaul";
 also letter [marked C] from Pilot
 Robert Smith in relation to the
 currents and winds between Yoko-
 hama and Hong-Kong. From
 these may be derived facts in
 the interests of our navigation, and
 especially useful to the "Pacific
 Mail Steam Ship Co." The "typhoon"
 was the severest known for years,
 the barometer falling to 28.01. The
 rarefaction of the air was so great
 as to affect the passengers pain-
 fully

Hon William H. Seward
 Secretary of State

fully. The wind appeared to strike the vessel unequally, in one place breaking strong iron bolts and in another leaving weak objects unharmed. Our safety, next to the good conduct of Capt. Noël and two or three of his officers was due to the excellent model of the Ship. She was very high out of water and very strong. I think it will be found that in nearly every case of loss of Steamships at sea, the result has, as with the "London" lost in the Bay of Biscay, occurred from weakness of the deck or defective arrangements for keeping the water from penetrating by the skylights and other openings into the spaces below. In such cases, the shipping of one or two seas will fill the vessel and she will go down at once, leaving no trace. So, probably perished last year, on this coast, the Steamships "Chanticleer" and "Corea"

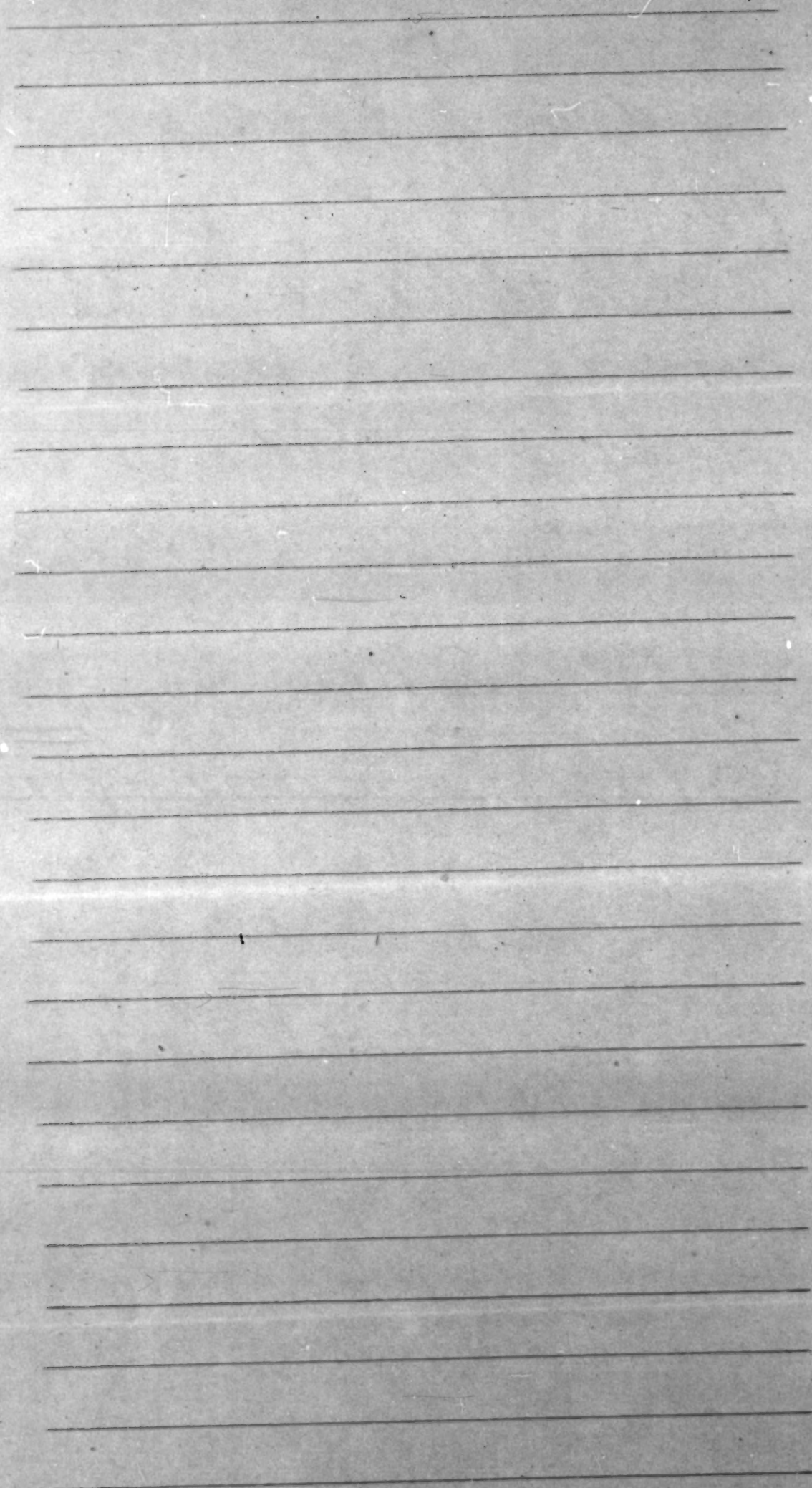
I

I have the honor to be

Sir

Your O^bd^t Servant

Susan Burlingame



A.

Translation of Extracts from Report of Capt. Noël, Commandg Imperial Mail Steamer Dupleix, concerning a typhoon experienced en route from Yokohama to Shanghai, on 15th September, 1866.

On the 14th, at some distance from Kiusiu, a heavy sea from the Southeast, and a slight but continuous falling of the barometer, announced the approach of bad weather. In the evening, rainy and heavy weather, which did not permit our seeing the land, and which prevented me from heading in to Van Diemen's Straits before the

the next morning. In the anticipation of a gale, I took measures to find myself in sufficient sea-room (assez au large), not to fear being dashed upon the coast.

On the 15th, at two o'clock A.M., the barometer at 752, [French measurement,] violent squalls from the Northeast, and a threatening sky, made me appreciate the fortunate determination I had made in the evening: all the more, as the strong wind and enormous sea from the Southeast prevented me from running farther out to sea.

At eight o'clock the barometer was at 745, the seas from the

the Southeast monstrous and
a gale from the Northeast.
There was no longer room to
doubt; a cyclone was coming
upon us with fearful rapidity;
the Northeast strengthened, — aug-
menting its force to fury, and
from the rate at which the
barometer fell, it indicated clear-
ly to me that we should be in
the line of progress of the centre
of the météore* [cyclone?] which
was travelling toward the North-
west; and further, that we
should be fatally destined to en-
counter this centre, since we were
not able to go on, and pass to
the other side of the line of its
passage (the Northeast side),

* Note. The translator has found the
technical phrases abounding in this
report, often difficult to render into effective English. on

on account of the strength of the Northeast wind and the enormous seas from the Southeast; and as for the other side, the neighborhood of the shore absolutely prevented us from running to the Southwest, the only movement which could be made to avert the catastrophe which I so justly dreaded.

It was necessary to resign ourselves to it. I immediately ordered all the arrangements requisite to put us as much as possible beyond the reach of a disaster.

At noon, the barometer was at 730, a tempest from the Northeast, with furious squalls, the
seas

seas from the Northeast and Southeast confused.

At three P.M., the mercury 72.8. The Northeast frightful, (épouvantable) the sea roaring; but what reassured me, was to see the Dupleix behaving admirably well, the machinery working very easily, and keeping herself with this help, à six quarts du vent [within six points of the wind?]

All the openings of the deck were securely closed, and I awaited with confidence the fatal hour of the centre.

At four, P.M., the barometer fell rapidly; at half past four it was at 72.0; at half past

past five it fell to 714.

From five to seven o'clock, P.M., we were exposed to the most frightful tempest which could be imagined. The sea was really horrible on all sides; as for the wind, there were no longer squalls but frightful howlings. The Duplex continued her struggle with success, in spite of the redoubled blows which struck her; but injuries succeeded each other rapidly, and gave me a mortal anxiety.

Two small boats and the life-boat were carried away, and their davits torn off, all broken by the wind. The gig and the two

two other small boats were more or less injured. The main topmast was disabled, the bed (emplature) of the mainmast was broken.

About half past six, we were literally the sport of a whirlwind, which caught up everything on deck, and whirled things in circles to the height of the head of the mizen-mast. An enormous metallic plate was projected from forward to aft. Our masts bent like reeds. I believed they would be carried away, and I do not really know how they were able to resist such violence. Happily, none of us were thrown into
the

the sea, but we had none too much strength to keep ourselves within the railing of the bridge.

In a few moments the centre would have been upon us, and considering the state of the weather, we should have been forced to perish there; for in my opinion, nothing could then have saved our ship from complete destruction.

At this moment, supreme and full of horror, a single chance of salvation offered itself to my mind. This was to try and escape the centre by turning so that the wind would be behind us: I was so much the more induced to try this

this last and perilous effort,
because each instant that
we waited, we were in danger
of the vessel going on her
beam ends if the masts con-
tinued to hold; and besides, I
wished on no account to cut
away the masts, ~~the~~ ~~the~~ because
of the screw, which was our
only chance of safety; for if
in this terrible moment the ma-
chinery had failed, all would
have been over with us. The
machinery was started at an
increased speed, and after
some hesitation the valiant
Dupleix obeyed her helm; at
last the wind was behind us,
and we were literally raised
up

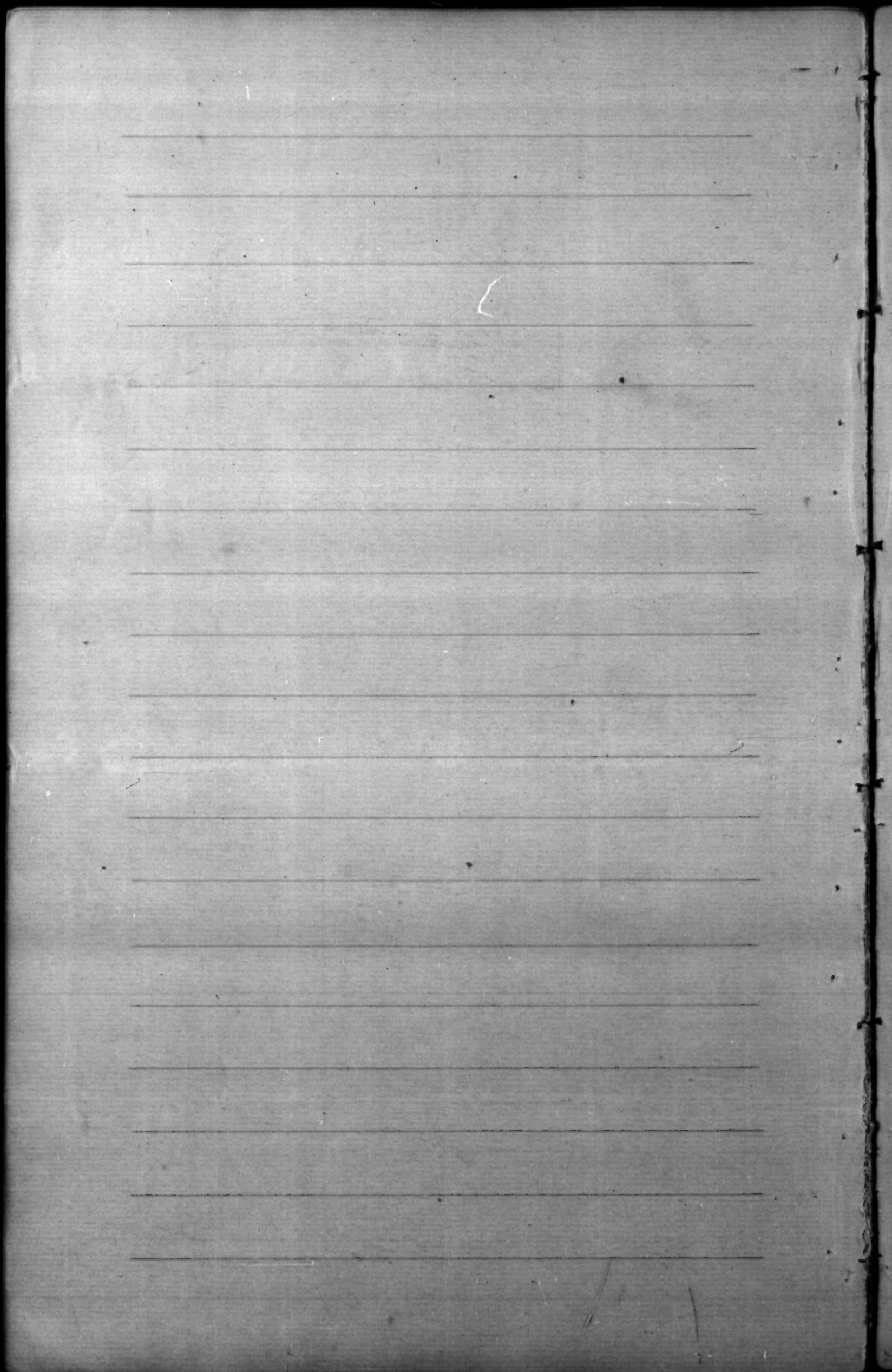
up and carried on by the
whirlwind, with dangerous
rapidity, without the vessels
suffering from it otherwise than
by immeasurable rollings, and
heavy blows from the waves.

A half hour afterwards
the squalls changed rapidly
from Northeast to North-north-
east, North, North-northwest, and
Northwest. — The centre passed
behind us. Immediately the
barometer commenced rising
more rapidly than it had gone
down. We commenced to go towards
the Northwest.

At nine o'clock we were
out of danger; the barometer
722; a gale from the Northwest;
at

at ten o'clock barometer 730,
and a heavy gale from North-
west; at eleven o'clock 740, and
an ordinary gale from the North-
west.

At two o'clock A.M., (16th)
all was finished. The wind was
yet strong from the Northwest,
and the barometer at 748!



Extract from
Log book of the
P. & O. Steamer
Nepaul, concern-
ing the typhoon
of Sept. 15th, 1866.

The "Nepaul" in the Typhoon.

The following extract from the log book of the *Nepaul* in her passage across from Shanghai, has been kindly furnished to us by Captain Hector and will be read with interest.

September 11th, 2.30 A.M., left Shanghai; 6.34 A.M., passed the light ship. Strong E. N. E. wind. Barometer 29.94. 7 A.M., a man washed overboard while stowing the anchor. Stopped, reversed engines and lowered a boat. 7.25 A.M. boat returned to the ship having failed to find the man. Noon strong increasing breeze and overcast with a N. E. sea rising. Lat. 31.5. Long. 122.37 E., Barometer 29.90.

3.45 P.M. two men washed overboard—one washed in again by the next sea, stopped and reversed engines at full speed—3.50 lowered a gig. 3.55 gig returned with the man. Strong breeze with considerable sea running.

Sept. 12th, 0.0 strong increasing breeze and dark cloudy weather with heavy rain and high sea. Bar. 29.82, wind E. N. E. 5 A.M., Bar. 29.76, moderate increasing gale with thick weather and heavy rain, wind N. E.

8 A.M. strong gale with heavy sea and very hard squalls, wind N. E., Bar. 29.74. 10 A.M. wind and sea increasing and squalls blowing with great violence. 10.40 A.M. vessel shipping large quantities of water. Eased engines to half speed. 11.30 A.M. housed top-gallant masts.

Noon, same weather, Bar. 29.67, put ship's head to the Northward, wind at East. No observations.

2 P.M. less wind and sea, Bar. 29.64. 3 P.M. kept ship on her course; dark cloudy weather with heavy rain, wind at East. Bar. 29.70.

Sept 13th, wind S.E. by E moderate and overcast. Bar. 29.74, Lat. 31.22 N. long 129.30 E. current in two days N. by 8 W. 47 miles. 7 P.M. passed Cape Chichakoff, wind at East, Bar. 29.77; a very heavy South Easterly swell.

Sept. 14th, from midnight to noon wind

varying from N. E. to S. E. with a heavy S. E. swell, much rain and vivid lightning. Bar. unsteady varying from 29.77 to 29.63.

Noon position 32.29 N. Long. 133.36 E. Current N. 11 E. 27.

4 P.M. Bar. 29.64 a sudden shift of wind from E. by S. to N. N. E.

5.30 P.M. strong gale with heavy gusts and a high sea.

8 P.M. gale moderating, Bar. 29.61.

8.30 P.M. sudden shift of wind from N. N. E. to S. E. Midnight: Bar. 29.64, wind S. E. Ther. 80°, a very heavy S. E. swell ship rolling heavily.

Sept. 14th, 4 A.M. wind S. E., Bar. 29.61, fine with passing clouds, a very heavy S. E. swell.

Noon, wind, S. E., strong breeze with high sea, sky overcast. Bar. 29.63. Position Lat. 33.57 N. Long. 137.59 E. Current East 40 miles.

Noon to 4 P.M. wind E. to E. by S., Bar. 29.64 to 29.56.

4 P.M. strong increasing breeze and dark squally weather with a high south East sea, ship rolling her boats in the water. 6 P.M. weather more than usually unsettled, and wind freshening into a gale from E. S. E. Bar. 29.54. 6.30 P.M. gale increasing and weather becoming very thick and squally. Ran on in hopes of making the land before night; closed down 7.15 P.M., eased engines to dead slow and kept ship south. Heavy rain and dense mist, not able to see half-a-mile a head.

7.30 P.M. weather clearing, kept ship on her course but unable to proceed—weather settling down again to rain and mist with an increasing gale from E. S. E. 8 P.M. weather very unsettled. Barometer falling, wind and sea increasing, every indication of an approaching typhoon. Being uncertain of our position; but estimating that we were within 7 miles of land, stood out S. W. by W. and went on 1 speed to gain an offing.

9 P.M. kept ship South, eased engines to dead slow and secured hatches, &c. for bad weather. Wind S. E., Bar. 29.48, blowing in hard squalls.

10 P.M. Bar. 29.43, symp 29.30, Ther. 82°, wind S. E.; blowing in furious gusts, sky overcast, with light leaden clouds, very dark appearance to the S. W., sea high, ship labouring and taking in water over all, engines going slow and working steadily. 11.30 P.M. Bar. 29.36, symp 29.25, Ther. 82°, wind S. E.; furious gusts with increasing sea, sky overcast and very dark.

11.30 P.M. Bar. 29.28, Symp 29.20, Ther. 82°, wind S. S. E. sea coming up about S. S. W. and 8 W. gusts more frequent and very violent, very dark and dense appearance to the W. S. W. ship taking in much water fore and aft and pitching violently.

1 A.M. Bar. 29.25, symp 29.15, Ther. 82° wind S. S. E. and inclined to veer to the Southward, squalls increasing in violence and becoming more frequent, sea running in confused and heavy masses, dark and fearful appearance to the westward.

1.30 A.M. Bar. 29.23, symp 29.10, Ther. 82° wind about S. S. E. gusts if possible much more violent but with less wind between them, rain falling in large drops, sea very heavy and confused, ship behaving well but rolling boats at times under water.

2 A.M. Bar. 29.16, symp. 29.5 Ther. 81° wind S. by E., weather much the same, one vivid flash of lightning dashed out from the dark mass lying W. N. W.

of us, seas very heavy, ship labouring fearfully; engines working well a heavy sea struck ship on starboard beam, washing away starboard cutter and gig and damaging port cutter.

2.30 A.M. Bar. 29.15, symp 29.3 Ther. 81° squalls blowing harder than ever, bearing the sea up in clouds of spray and foam. Between this and 3.30 A.M. experienced the hardest gusts; ship enveloped in foam, spray and mist; the funnel at times not being visible from the quarter deck; heavy rain occasionally with two or three vivid flashes of lightning, sea less heavy apparently being beaten down by the force of the wind, wind variable, these squalls from S. S. E. to S. S. W. at 3.30 A.M. the sky suddenly cleared and the stars shone out brightly. Horizon tolerably clear all round but a mass of darkness visible to the Northward wind and sea less, and gust not so violent, ship had been heading up to this time about 8 by W. 4 W. put her head to S. E. wind.

4 A.M. Bar. 29.18, Symp. 29.10, Ther. 79°, wind S. S. W. Bar. rising, wind and sea less. Ther. fell two degrees, air fresher and less oppressive, obtained latitude 34.02 N. by north star.

4.30 A.M., sky clouded over again, and the wind began to blow in gusts with great violence, sea confused and heavy, Bar. steady and inclined to rise. A man drawn in by the machinery and crushed to death.

5.30 to 8 A.M. Bar. steadily rising, and sky clearing, blowing a furious gale, a heavy irregular sea running. 8 A.M., part cutter washed away.

10.30 A.M. wind and sea moderating.

Noon kept ship on her course for Yokohama.

The *Nepaul* appears to have fallen in with the same typhoon which caused such imminent danger to the *Nippon* and *Dupleix*. The testimony of the passengers to the admirable conduct of the Captain and Officers under the circumstances, is conveyed in the following letters extracted from the *Japan Times*.

It is not good to leave examples of self-devotion wholly unrecorded, and were it only for the sake of English boys, who love to read of the

heroism of English sailors, we must tell how for four long days and nights, Captain Hector kept at his post and how—without observations, thinking he was "within seven miles" of an iron bound coast, at times unable to see the ship's funnel from his quarter-deck for the driving spray and mist, with his vessel rolling her boats under water and heavy seas rushing over her fore and aft—he could still bear a cheerful face and devote the few brief minutes he could spare from his work on deck, not to rest for himself, but to seeking to alleviate the discomfort of his passengers. No wonder that those who made the voyage under his care should speak of him as they do.

The following correspondence needs no further comment.

September 16th 1866.

G. N. HECTOR, Esq.,

Commander, P. & O. S. S. "Nepaul."

"Dear Sir,

"We cannot leave the steamer "Nepaul" after the short but trying passage from Shanghai, without expressing our high appreciation of your abilities as a commander, which have been so signally displayed in the heavy gales we have experienced, seconded as they have been by the able co-operation of the officers subordinate to you.

"We will take it as a compliment to ourselves if you will accept the accompanying purse, with which to purchase for yourself some lasting memento of our voyage and of the dangers from which we have escaped.

"We would be glad if you would have inscribed upon the testimonial which you may choose for yourself, a few words suggestive of the circumstances under which it has been offered to you and—

"We are yours sincerely,

LINDA SANDMAN,
J. M. RUSSELL,
J. W. LOVELL, Lt. Col. R.E.,
O. L. BLAND,
R. BERNARD, M.D.,
W. WINSTANLEY,
E. BUNDE,
HUGH SANDMAN, Bengal C.S.
ARTHUR PATNE, M.D.,
A. F. HEARD."

To this Captain HECTOR made the following reply:—

"My dear Mr. Heard,

"I have much pleasure in acknowledging the receipt of your note of the 20th September, enclosing me a bill for an amount subscribed by the passengers of the *Nepaul*, wherewith to buy myself a testimonial in remembrance of our voyage between Shanghai and this.

"It is with feelings of no little emotion that I offer you, and through you, the rest of the passengers, my sincere thanks for the handsome present you have made me."

"It is most gratifying to the officers and to others subordinate to me, and to myself, to know that our efforts to do our duty in a trying time have been so gratefully felt and acknowledged by you.

"It is with diffidence I accept the praise you have bestowed upon my skill and abilities, for I cannot but feel you have much over-rated them. And I could do was to take the precautions and use the means that seemed best suited to our circumstances, and then to leave the result in His hands without whose aid all our endeavours would have been as nothing.

"To Him, and to Him alone, is our gratitude due for our deliverance from the peril that surrounded us, and this, I am sure, must be the feeling of all who passed through that long and anxious night.

"I am, dear Mr. Heard,

"Yours sincerely,

G. N. HECTOR.

"S. S. *Nepaul*, September 24th, 1866."

TYPHOON OFF THE JAPANESE COAST.

To the Editor of the

NORTH CHINA DAILY NEWS.

SIR,—I beg leave to enclose an extract of my log regarding a terrific typhoon, which I experienced on the 10th of September when off the S. E. part of Kin-sing Island, which I have no doubt would be interesting to your readers.

I have now been at sea for twenty-two years and have experienced during that time three typhoons and cyclones, but the one referred to in the enclosed was by far the most terrific which it has been my misfortune to fall in with, and I trust that it will never be my lot to meet with such another.

I have to congratulate myself in having been on this occasion, in one of the best sea boats that ever floated, as I am persuaded that if such had not been the case, nothing more would have been heard of the *Nippon* or those on board.

I remain, Sir,

Yours obediently,

ARTHUR PEAKE,

Commander

S. S. *Nippon*, Shanghai, Sept. 19th, 1866

P. S.—It will be seen by the enclosed extract that the *Nippon* was detained thirty hours on account of the cyclone.

ABSTRACT FROM THE LOG OF S.S. "NIPPON," P.M. 15TH SEPT. 1866.

| H. | Course. | K.P. | Winds. | Bar. | Sym. | Ther. | Dir. |
|----|------------|------|--------|-------|-------|-------|------|
| 1 | N.E. | 3 | E.N.E. | .. | .. | .. | 32 |
| 2 | " | 3 | " | 29.08 | 28.50 | 81 | 50 |
| 3 | " | 3 | N.E. | 29.00 | 28.43 | .. | 48 |
| 4 | S.S.E. | 1 4 | N.N.E. | 28.88 | 28.35 | 80 | 45 |
| 5 | " | 4 | " | 28.75 | 28.30 | .. | 45 |
| 6 | E.N.E. | 4 | N. | 28.50 | 28.15 | 79 | 40 |
| 7 | " | 4 | " | 28.28 | 28.05 | .. | 40 |
| 8 | " | 4 | N.N.W. | 28.40 | 28.15 | 76 | 38 |
| 9 | N.E. by E. | 4 | " | 28.57 | 28.27 | .. | 38 |
| 10 | " | 4 | N.W. | 28.60 | 28.38 | 77 | 39 |
| 11 | " | 4 | W.N.W. | 28.82 | 28.55 | .. | 40 |
| 12 | " | 5 | " | 28.96 | 28.70 | 78 | 40 |

REMARKS, P.M.

0.12.—Wind rapidly increasing with hard squalls, a heavy rain and very thick weather; bar. and sym. falling rapidly, with a high confined sea and swell, had every reason to suppose that the ship was in the vicinity of a cyclone—the wind not having shifted, considered it advisable to leave the ship to on the starboard tack to ascertain the track of cyclone.

3.15.—Finding the wind shifting to the northward and rapidly increasing, which proved a cyclone to be travelling in a N.W. direction, put the ship's head to S.S.E., being prevented by the nearness of the land to steer S.W. which would have been the best course to steer to avoid getting near the vortex. Battered down and secured engine room skylights, and made all preparations for the worst of weather.

4.0.—Strong gale and rapidly increasing with very hard squalls accompanied with thick weather, a very heavy rain and a very high confined sea—ship labouring a good deal and taking on board a quantity of water.

5.0.—Ship broached to and became unmanageable, the starboard fore-rigging came down on deck, the bolt securing it to the masthead having broken—the preventer shroud that was secured to the masthead independently of the rigging, prevented the mast from going over the side; secured the mast in the best way possible under the circumstances.

6.0.—Starboard cutter blew away from the davit, ship taking in large quantities of water, the foremast blew away from the yard although secured with extra gaskets, &c.

10.0.—Blowing a hurricane with terrific squalls and a tremendous confined sea (it being one mass of foam) the spray flying over the masthead, a heavy sea having struck the ship under the counter—causing her to spring a leak in that part, a large quantity of water came into the saloon, the water increasing in the engine room and stoke-hole, nearly up to the fire. The bilge, injection, and all other available pumps being at work—officers and passengers bailing water out of the saloon which was coming in in large quantities from the leak above as well as from other places. The jolly boat was blown from the davit about this time. The ship lying over considerably and shipping large quantities of water, but under these very trying circumstances, the ship could not have behaved better, and has proved herself to be a most excellent sea boat—(centre of cyclone at this time bore E.N.E.).

11.0.—There being less wind and the bar. and sym. rapidly rising, proved that the centre of cyclone was passing from the ship in a N.W. direction; 11.00, gale rapidly moderating and sea falling.

A. PEAKE, Commander.

To the Editor of the

NORTH CHINA DAILY NEWS.

SIR,—We the undersigned passenger per P. & O. steamer *Nippon*, beg to state that, on our passage from Yokohama to this port, we experienced a most terrific typhoon, and have to congratulate ourselves on having escaped so well.

Captain Hopwood, late master of the *Norfolk*, during his thirty years experience at sea never has experienced such a typhoon and expresses his high admiration of the qualities of the *Nippon* as a sea boat.

In conclusion we must testify to the able manner in which the ship was handled by her Commander, Captain Arthur Peake and his Officers, who one and all behaved in a most gallant manner during a very trying ordeal, and also must we bear witness to the untiring efforts made by the engineers to keep up the fires (which were in imminent risk of being extinguished owing to the great quantity of water in the stoke-hole). This was successfully accomplished.

Trusting this may find a space in your columns.

We are Sir,

Yours obediently,

R. B. SCOTLAND,

J. HOPWOOD,

Late Master of the *Norfolk*.

GEORGE SAMPSON.

Shanghai, 19th Sept., 1866.

Extract from Log book of Str. Dupleix 8 Str. Nippon.

Letter from Passengers of the Dupleix to Capt. Noël.

SHIPPING REPORTS.

M. I. S. S. Dupleix, left Yokohama September 12th at 9 a.m.; fine weather and fresh breeze from N. E.; 13th 9 a.m. passed Cosima, fresh breeze from N. E. and cloudy weather; 14th dark cloudy weather, wind N. E. with occasional squalls, wind and rain, barometer falling; 15th 9 a.m. wind E. N. E. with a very heavy swell from S. E., dark cloudy weather with heavy squalls of wind and rain, barometer 755 (French Metres), steered east, engines very slow, making about 4 miles an hour; at noon wind still increasing with heavy rain and a tremendous sea from S. E. and S. W., barometer 750, steered east and E. S. E.; 2 o'clock barometer 732, gale increasing; 15th increasing and every appearance of a Typhoon, wind east with fearful sea from S. E., and S. W., all the fore and aft sails blew away, still steered east and E. S. E. in order to clear the land; at 4 o'clock barometer 728 and showing a perfect hurricane, secured all hatches and sky lights and made all ready for a Typhoon; at 5 o'clock barometer 720, one of the largest life boats on board blew away with davets and all, wind N. W., barometer 714, and the wind blowing with such violence that it was almost impossible for anyone to stand on deck. Two more boats blew away and one badly damaged, took chairs, boxes and everything moveable from the deck; 6.15. barometer still falling, the sea breaking over the ship in all directions, the Captain deemed it advisable to wear ship to S. W.; at 7 o'clock the barometer commenced rising, 7.30 barometer 718, at 8 o'clock 725, and the weather commenced to moderate but a fearful sea running, 9 o'clock barometer 745, at midnight barometer 747, weather still moderating; 10th clear weather and fresh breeze from the northward; found the ship had lost three boats, main top mast

and fore sail yards badly damaged, mostly all the sails blown away and everything on deck which was not a fixture was either blown or washed away. The second Captain, mate and several of the crew, badly wounded by being washed about the decks in a most fearful manner; several of the passengers also had severe falls, but fortunately none of them seriously hurt; 9 p.m. passed the Vaudielman Straits, with fine weather and light winds from the northward; 18th at 8.30 p.m. anchored at the Beacon; arrived at Shanghai, 9 a.m. yesterday.

Kiangse, Am. Str., left Ningpo 5 p.m. Sept. 18th, met *Express* at midnight; experienced moderate N. E. winds and indifferent weather throughout the night; arrived at Shanghai 7 a.m. yesterday.

Varuna, Am. Str., left Hongkong Sept. 14th, 5 p.m.; had heavy weather and strong head winds first day, afterwards strong N. E. breezes and fine weather; arrived in Shanghai 1 a.m. yesterday.

Nippon, Brit. Str., left Yokohama Sept. 13th: light northerly winds and fine weather on day of leaving; on the 14th weather became dark and gloomy with very threatening appearances to the northward, at midnight strong breeze and heavy rain, morning of 15th moderate gale from the east with squalls and high sea, at noon strong gale and rapidly increasing at 10 p.m., blowing a perfect hurricane with terrific squalls and fearfully high confused sea, one mass of foam with sprays flying over the mast head, bar. 25.28 and wind from N. N. E. and at its highest N. N. W. shifting from N. to W. gradually, the centre of the Cyclone bore E. N. E. at 10.30 p.m., and at 11 p.m. the wind had considerably lessened and the barometer rising, proved that the centre of the Cyclone was passing from the ship in a N. W. direction; at midnight gale rapidly moderating, with a fast falling sea, and by 1 a.m. on 16th had fine weather and light northerly breeze; anchored 2 a.m.; arrived in Shanghai 11 a.m.

We, the undersigned Passengers on board the Steamer *Dupleix*, desire to express, as far as lies in our power, our gratitude to Captain Noël and the Officers of the Steamer, for an escape which we feel that we owe to their skill and courage, as manifested especially in the typhoon of the 15th of September, 1866.

We cannot speak too highly of the undaunted bravery and skillful seamanship which have rescued us in safety from a typhoon, the strength of which was indicated by a falling of the barometer almost unprecedented in these seas; and we cannot sufficiently express to Captain Noël and his Officers our gratitude and admiration for their untiring exertions, and for the skill which enabled them to preserve their noble vessel in the most fearful moments of the storm.

While confessing that these few words inadequately express our thanks to the brave Captain and Officers of the *Dupleix*, we feel assured that they have a far more lasting reward, in the consciousness that by their exertions, under Providence, the lives of so many human beings were saved, in the midst of terrible dangers.

Imperial Mail Steamer *Dupleix*,

At Sea, September, 18th, 1866.

(Signed) ANSON BURLINGAME.

JOSE RODRIGUES COELHO DO AMARAL,
Governador de Macau.

GREGORIO JOSE RIBEIRO,
Secretario do Governo de Macau.

W. JACKSON.

EDWARD F. DUNCANSON.

JERONIMO O. DE C. C. D'ALBUQUERQUE,
Capt. A. D. C. de Gov. de Macau.

DR. LUCIO AUGUSTO DA SILVA,
Cirurgido Mór de Macau.

WM. H. FORBES.

R. MONNIER.

R. MCKENZIE.

WM. R. LANDSTEIN.

JOSEPH HAYES.

EMIL MAINTZ.

CHARLES J. KING.

WALTER HYSLOP.

F. GILMOUR.

EDMUND PYE.

EDWARD L. BURLINGAME.

W. A. BURLINGAME.

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about three knots to the N. E., but on two occasions we found a S. E. Current of 20 miles in 24 hours; - but always more or less influenced by the prevailing winds, and their direction.

From Wima to Cape Idsu, we have at times with strong North West winds had a two knot current to the E. S. E., and with strong South East winds, have had a Westerly one of 10 miles during 12 hours Steaming.

This irregularity in the currents, make it very dangerous in a dark night, or during thick weather, especially while running between the Redfield Rocks and the Portsmouth Breakers (the latter I think are doubtful, however) as in one instance we found the Steamer, no more than 3 miles from the Redfields, while by the Course steered we ought to have been from 12 to 14 miles distant. On another occasion we were set within one mile of the place, where the Portsmouth Breakers are laid down on the Charts, and although the sea was very high at the time, no breakers could be seen from the Mast head, and if they do exist at all, it is my opinion, they must be looked for more to the Westward.

As you are already in possession of the report of the late Typhoon, in which you were present, I do not think it necessary to recapitulate. As I have above mentioned, the lowest rate to which the Barometer fell, previous to the last Gale - it will fully bear me out in my opinion, that we were in the most severe one recorded here, at least for many years, the Barometer falling to 28.01. although the course of the winds was not similar.

I have the honor to remain
Sir,

Yours Very Respectfully

Robert Smith
Shanghai Pilot

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

Letter concerning winds and currents. From Captain
Robert Smith, Pilot at Shanghai.

Shanghai 25th Sept 1866

To the Hon

Andrew Burlingame

U. S. A. Minister Plenipotentiary &c.

Sir,

In reply to your request to give you some idea of
the set of the currents on the coasts of China & Japan. during
my passages in the Messageries Imperiales Mail Steamer "Dupuy",
I have to state that I joined the said steamer at Hongkong on the
24th July 1865, as Pilot for the river Yangtze - and to give such
information as in my power concerning the Islands and Harbours
on the China & Japan Coasts in our route.

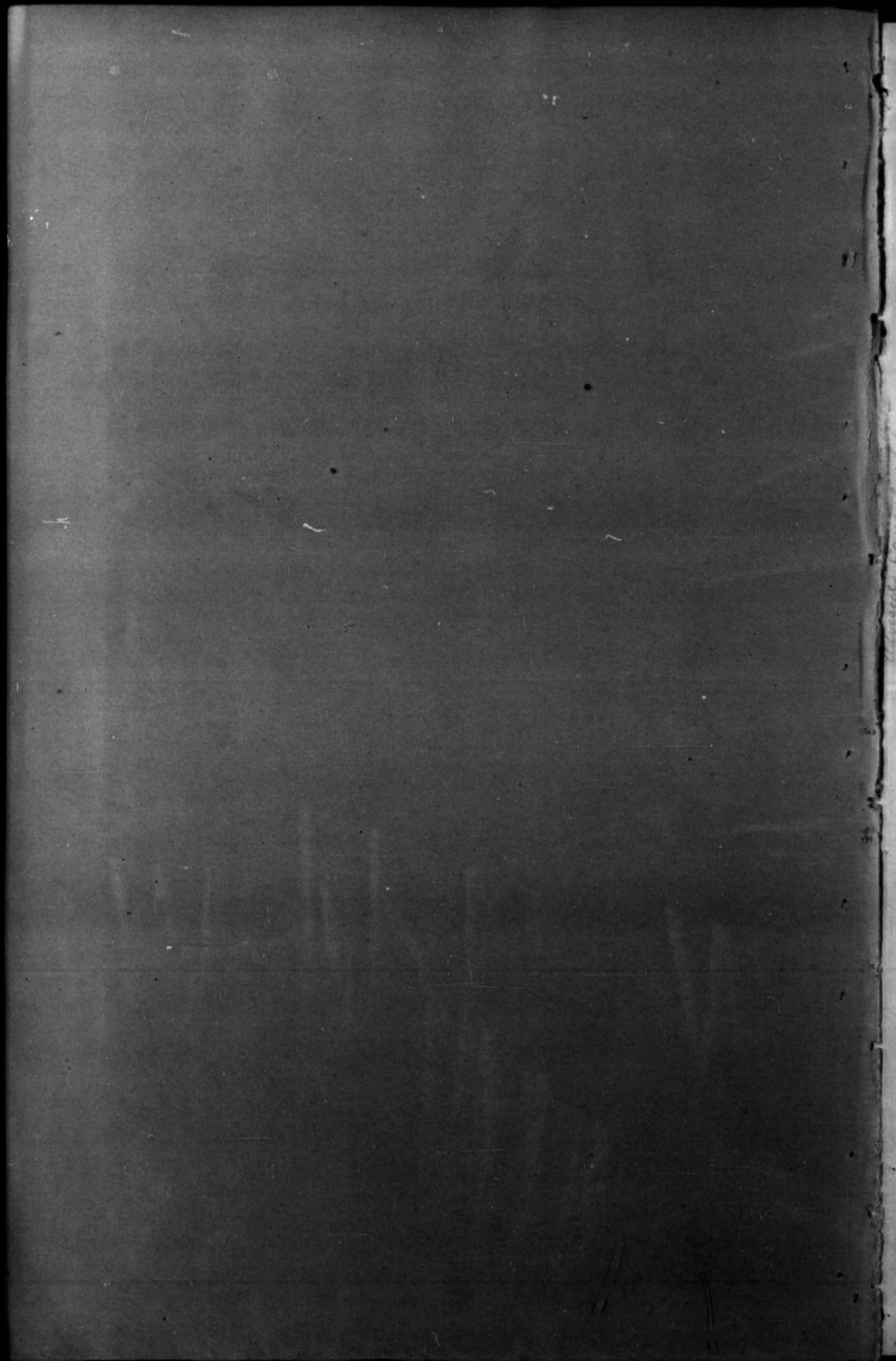
During the 14 months I have been on board, we have made 13
voyages to Yokohama and two to Hongkong, and have experienced
several heavy gales; and encountered a Typhoon on the 23rd July
1865 (two days after leaving Hongkong) before getting to the Formosa
Channel. We avoided the strength of the Typhoon, by heaving the ship
to, with her head to the S.W. as we found the centre passing
through the Formosa Channel.

The Barometer stood at 751° (French Millimetre) equal to 29.05
English inches.

On the 14th June last we experienced a heavy
gale, during which we were hove to for 37 hours, when 45 miles to
the East of Van Diemen's Straits, when the French Barometer showed
750 Millimetres.

This afterwards proved to be the Typhoon, the
the Steamship "Dumbarton" encountered in the China Sea, on the 13th
June (the day previous), during which the lowest point attained was
 $28^{\circ} 33'$ on her Barometer.

As regards the currents along the
Japan Coast, I have particularly noted the strength of and sets of those
which we encountered at different times, and find the average to be
about



No. 121.

Recd H. J. J. J.

M. - Platt & M. - J. Smith

Grant leave 6 mos.

Shanghai,

Oct. 13th, 1866.

ack by 185

Sir:

I have the honor to enclose [marked A.] the application of Genl James L. Kiernan, U.S. Consul at Chinkiang, for leave of absence on account of sickness aggravated by the breaking out anew of wounds received during the late war for the Union.

I have examined the certificates accompanying the letter, and find them such as to justify the application.

In reply to Genl Kiernan's request, I sent the enclosed letter, [marked B.] which I trust

Hon. William H. Seward,
Secretary of State.

Consul General of China
Jan. 10, 1867
C. B. S. J.

trust may meet with your
approval.

I have the honor to be, Sir,
your obedient servant,
Anson Burlingame

A.

(Copy.)

Consulate of the United
States, Chin-xiang, Oct. 9th, 1866.

His Excellency Anson Burlingame
Envoy Extraordinary and Min-
ister Plenipotentiary of the
United States to China;

Sir:

I have the honor to respect-
fully ask you for a leave of
absence, to return to the United
States.

Having had the honor to
serve in the Union army dur-
ing the late war, for the sup-
pression of the rebellion, I was
repeatedly wounded, once through
the lungs; and those wounds
have induced sickness, the
symptoms of which have become
so aggravated since my arrival
in China, that my medical
advisers inform me that in
order

order to save life it is necessary
that I leave this country and
return to the United States; and
that it is essential that I do
so with as little delay as pos-
sible.

I respectfully forward you
the certificates and other docu-
ments relating to my case, and
I respectfully submit the matter
to your Excellency's judgment
and discretion.

I have the honor to be,
very respectfully, your o-
bedient servant

(signed) James L. Kiernan,
U. S. Consul.

Additional note received from
James L. Kiernan, Consul at Chinkiang.

(Copy) U. S. Consulate at
Chinkiang, Oct. 9. 1866.

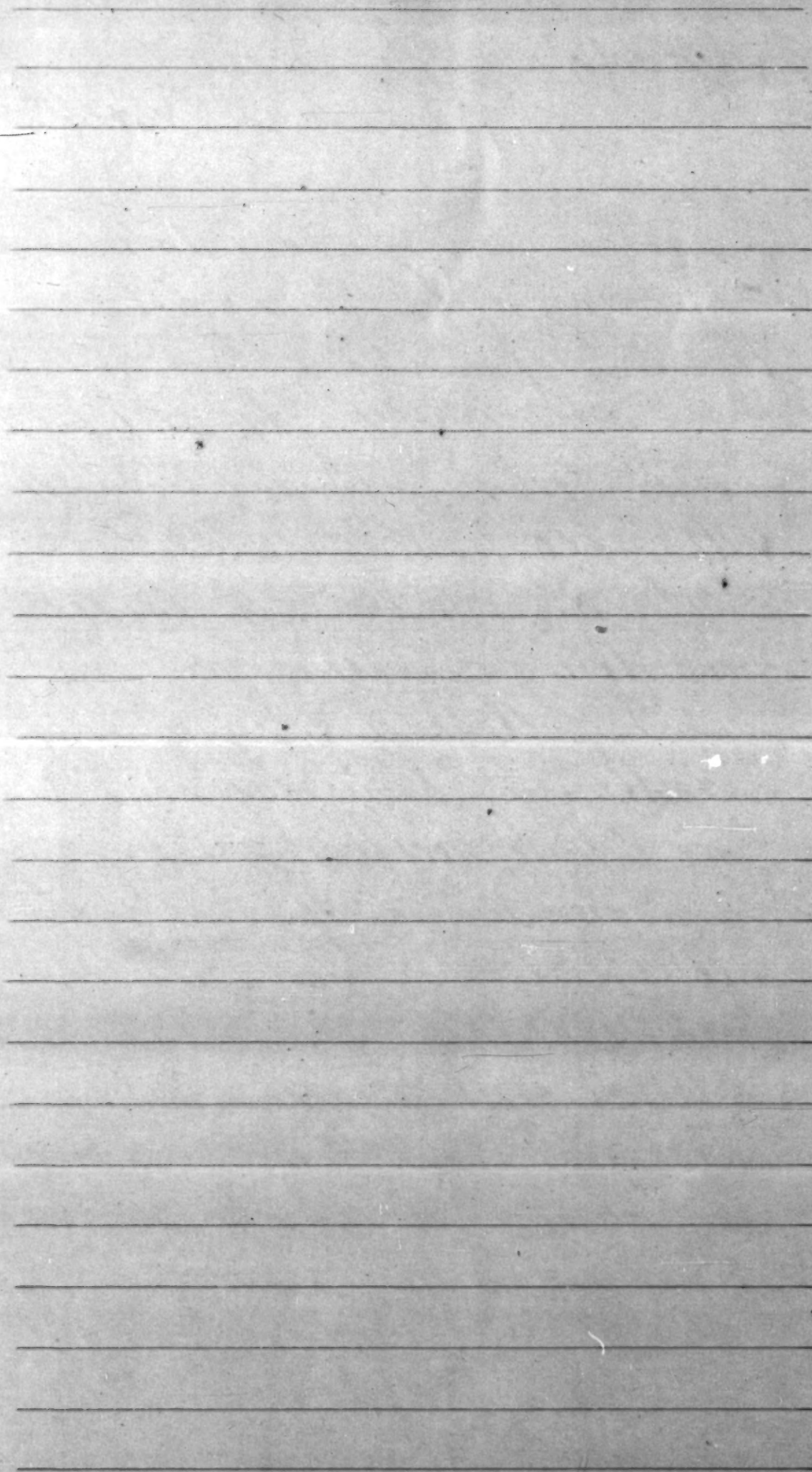
His Excellency Anson Burlingame
Esq., Esq., Esq.

Sir:

In case my request
for leave of absence, as conveyed
in my dispatch No. 3, of this
date, is granted by you, I
would respectfully ask to be
empowered to appoint a vice-
consul to act as consular
officer at this place during my
absence; the appointment to
be subject to your approval.

I have the honor to be
your obedient servant,

(signed) James L. Kiernan
U. S. Consul.



B.

(Copy.)

Shanghai, Oct. 13th
1866.

Sir:

In reply to your letters, Nos. 3 & 4, I have to say that I have examined the certificates mentioned, and most cheerfully recommend your case to the Government for its most favorable consideration.

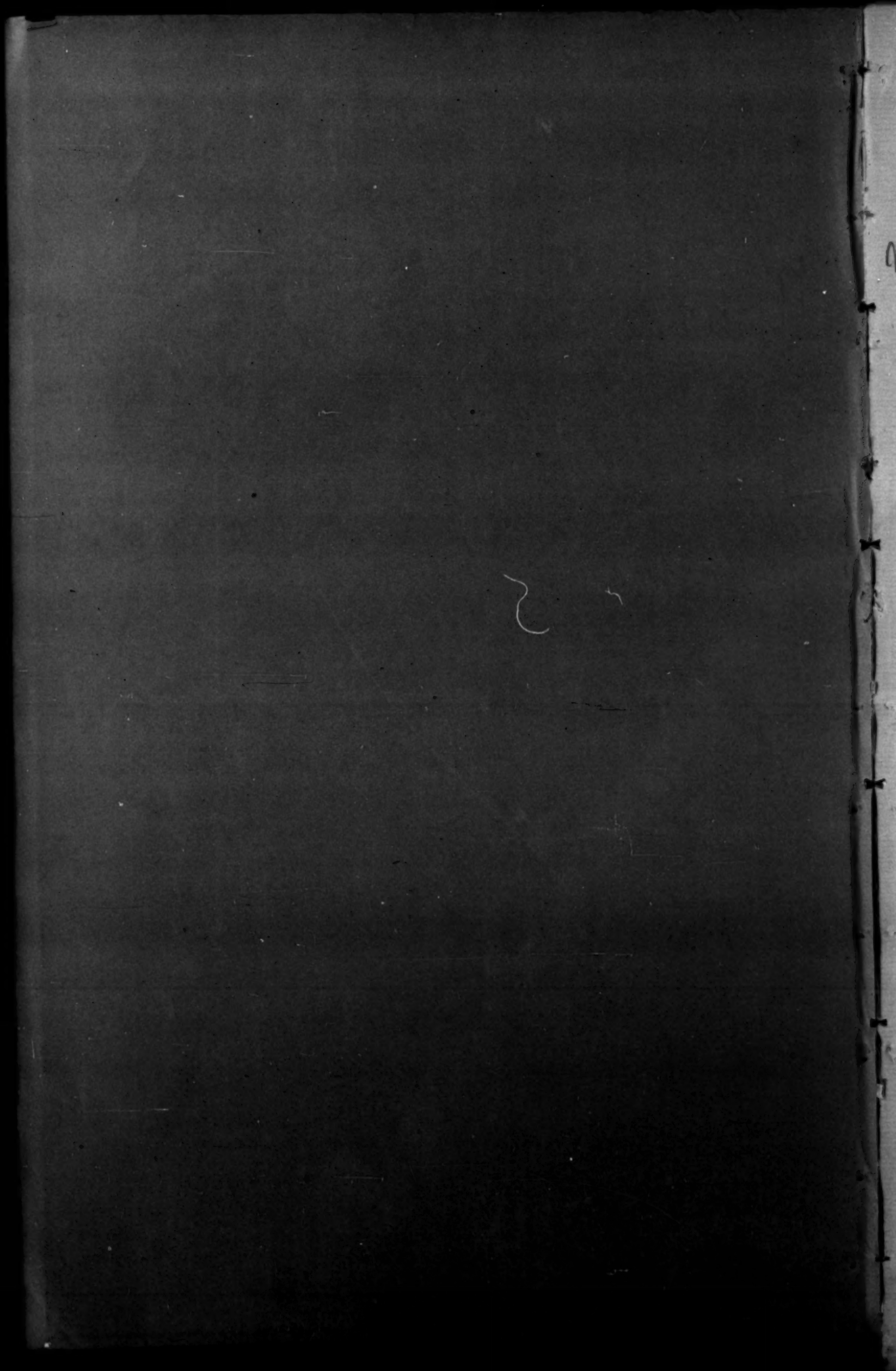
I enclose a copy of my despatch to Mr. Seward on your behalf, which with your own presentation of the facts, will I trust achieve the desired result.

You will please select the successor who is to act during your absence, and inform me of his name.

Your obedient servant
(signed) Anson Burlingame.

Genl. James L. Kurnan,

U.S. Consul at Chinkiang.





ack'd by No 188

No. 44. Three Inclosures

Maltese sent
by No 190

Legation of the United States.

Peking, October 24th 1866.

Sir,

I have the honor to bring to your notice the case of the shipwrecked crew of the American schooner "Surprise," the treatment which they received at the hands of the Korean and Chinese officials, and the kindness extended toward them by a French missionary who met them on their journey. I have condensed the principal facts of their history from the narrative of Capt. ^{American schooner wrecked on Corea} McCaslin.

On the 24th of June, the crew left the schooner ^{Narrative of her Master} in a sinking condition, and reached an island, whose few inhabitants supplied them with rice, but wished them to leave as soon as they had eaten

Hon^{ble} William H. Seward

He

He

eaten it; which, however, a storm prevented their doing until the next day. Going on nearly twenty miles toward the northwest, they saw a village on the mainland, which they thought best to reach if possible, in order to obtain food and rest. On approaching it from the beach, they were surrounded by about 200 natives, who would not allow them to move until an officer arrived and was ready to receive them. This was done in the open air, and by means of the Chinese cook, they were able to make him understand their condition, after which they were comfortably provided for during two days. Another official then arrived, who likewise interrogated them minutely, but would not let them leave the village, keeping the party under a guard of soldiers within a small inclosure. On the fourth day, a third officer came from the capital, bringing with him a Chinese interpreter, who henceforth took charge of them, giving them abundance of

good food, tobacco, and even medicines for the sick.

After remaining in this village for 24 days, a special courier arrived from the capital to conduct the whole party to the Chinese frontier. The first day's journey of 14 miles on foot, over a rugged mountainous country, brought them to a large city, where they were courteously intreated, furnished with suits of clothes, and well fed. From this place two days' riding brought them to the large frontier town, where they were comfortably lodged until notice could be given to the Chinese; and another escort arrived on the tenth day. Meanwhile, they were placed in a government building under a guard, and each man furnished with a suit of clothes. Chickens, beef, corn and rice, were served out to them, and on three occasions they were invited to dine with the authorities of the town, when each of them received a catty of tea and a fan.

Two days' journey on horseback from this city, thro' a wild and uninhabited country, brought the party to a wall about 30 ft. long and 20 ft. high, in which was the gate that divides Corea from China; they stopped in a town near it that night, and the next morning went to a walled town about ten miles off, where they were delivered to the Chinese authorities, and remained two days. Their food was insufficient and of the poorest quality; and during the journey to Mukten, which city they reached after six days, hard traveling, they had only an allowance of millet and corn. The officer at Mukten would give them nothing, and the escort took them to an inn outside of the city, where a French missionary, hearing of their distress sent for them, but the escort refused to let them go. However, Capt. McCarlin and two others did go, and were kindly received

and supplied with a good meal. The next day, the authorities again declined to receive them, and they all went back to the inn to spend the night; but before going to bed, all went on to the Père Gillie's house, who furnished them with a dinner.

Next morning they were again brought before the city authorities, who gave them in charge to four people, one of whom furnished mats for sleeping, and the others took them to a kind of lockup, where several hundred criminals were detained. The filthiness of the place was unendurable, and some of the men managed to rush about and get outside of the inclosure, from whence they all ran beyond the city gates, and reached Père Gillie's house only a few moments before the policemen came to carry them back. He refused to let them go until a proper place for lodging was provided and sufficient food. After two days, he

went with them into the city to the authorities; and according to Capt. McGastin's belief it was entirely owing to his energetic remonstrances and intervention that the party were saved from death through starvation and exposure in Mukten by being immediately sent on to Niuchwang. They were furnished with mules the next day, and reached Yingtzi after seven days' journey, where they were delivered to the U. S. Consul - nearly two months after they were wrecked.

On learning the particulars here narrated, I addressed a letter of thanks to the French Chargé d'affaires in this city (Inclosure A.) who has forwarded it to Mr. Gillie. I respectfully request too, that if you deem it proper, a testimonial of some kind may be sent to him as a mark of approbation for his kind succor to our unfortunate countrymen. The danger they were afraid of in dying from neglect was not imaginary, for travelers visiting Mukten

Inclosure
A. Letter
to French
Chargé d'
Affaires

have come across Russian sailors in the streets, who had been living there a twelvemonth in great destitution, their existence being unknown to the Russian consuls.

In my dispatch of August 8th (1837), I referred to the hostile proceedings of the French naval commander against the Korean Government. Before Admiral Rose had sent any vessels to that coast, another American schooner was wrecked, and the hull burned by the Koreans, as is their usual wont; but, according to the reports which have since come here from Chifu, they murdered all her company. This consisted of five foreigners (3 Americans and 2 British, one a passenger) and nineteen Manilamen as sailors. I have not been able to learn more than that she had gone over on an experimental trading voyage. The "Surprise" had very little if any cargo on board.

The reports concerning the fate of these

Inc. B.

these men being doubtful and conflicting, I addressed a note (Inc. B.) to the Chinese officers, which they promised to send off the next morning to Manchuria; if anybody from the "General Sherman" should be given to the authorities there, I hope they will receive better usage.

Inc. C.

I hear that the French have already effected a landing in Corea, but nothing more of importance has been learned of their movements. The force now there consists of six ships. I inclose a copy of the notification of blockade (Inc. C.); and shall apprise the Department of the operations that are made public. I suppose the expedition will result in throwing open to the western World the last country which now forbids intercourse with other lands, and whose rulers have jealously guarded their subjects from the least acquaintance with their fellowmen. It is full time that Corea was introduced into the family of nations. I have, &c.

Wm. Milliam

(Copy.)

Notification du Blocus de la
Rivière de Séoul par la Division
Navale Française.

Je soussigné, Contre-Amiral
Commandant en chef les forces Navales
de Sa Majesté l'Empereur des Français
dans les Mers de la Chine et du Japon,

Voulant poursuivre les réparations
qui nous sont dues à l'occasion du meurtre
d'un grand nombre de missionnaires français
ordonné par le Gouvernement de Corée,
et en vertu des pouvoirs qui m'appar-
tiennent comme Commandant en chef,

Déclare:

À partir du 15^e du courant, la
Rivière de Séoul et toutes ses issues,
seront

seront tenues en état de Blocus effectif
par les forces navales placées sous
mon commandement.

Il sera procédé contre tout
bâtiment qui essayerait de violer la
Blocus, conformément aux lois interna-
tionales, et aux traités en vigueur avec
les Puissances neutres.

a bord de la Guerrière, Rade de
Tche-foo, le 5 Octobre, 1866

(signé)

G. Rose

(Translation)

Notice of Blockade of the River
Séoul by the French Naval Squadron.

The Undersigned, Rear-Admiral and
Commander-in-chief of the Naval Forces of his
Majesty the Emperor of the French in the China
and Japan Seas, in furtherance of the mea-
sures which have been deemed necessary in
consequence of the murder of many French
missionaries by the government of Corea; and
by virtue of the powers belonging to me as
Commander-in-chief, hereby Declares, that after
the 15th day of this month, the River Séoul by
all its entrances, will be held in a state of
effective blockade by the naval forces under my
command.

all vessels which attempt to violate
this Blockade will be treated according to

Inter-

International Law and the treaties in force
with neutral Powers.

(Signed) G. Rose

Given on board the Guerrière,

Chefoo Roads, October 5, 1866

Peking, Oct 29

Subsequent rumors indicate that the French are pressing on towards the capital of Corea, & that it has been attacked & captured, & the king has fled. There is very little doubt about the death of all the company on board the General Sherman; "The Coreans decapitated them all," is the brief account which has just been received.

Handwritten text, likely bleed-through from the reverse side of the page. The text is mostly illegible due to fading and the quality of the scan. Some words are difficult to decipher but appear to be in English.

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Mr. Patton

Peking, September 15. 1866

French Chargé d'affaires

itself a great satisfaction to Pere Gillie; and I wish to add my own sincere thanks to him for his kindness to my countrymen in their trouble. Will you, Sir, oblige me and them by conveying to him this expression of our united thanks, either through Bishop Mouilly, or otherwise as you deem proper; and I shall make known his noble conduct, so congruous to his sacred calling, to the President.

I seize this occasion to renew the expression of the high consideration with which I am,

Sir,

Your Obedient Servant,

J. Wells Williams

Legation of the United States.

Peking, October 23. 1866

To the Foreign Office.

A report has been received here from Chifu, that an American schooner [the General Sherman] was wrecked last month on the coast of Corea and burned by the natives, her officers and crew, 24 in all, being captured by them, but it is not certainly known whether they are still alive or not. It is the usage of the Corean Government to deliver all such persons at the frontier of China to her officers to be handed over to their respective consuls at Nin-chwang. In the month of June last, a small American vessel was lost on Corea, and her crew were very kindly treated by the people, and handed over to the officers

in Manchuria, whose treatment was, on the other hand, in utter contrast to that of the Koreans, very harsh, the poor men not - having enough to eat. However, owing to the exertions and expostulations of [Père Gillie] a French missionary at Mukten, they were sent to the consul at Niuchwang.

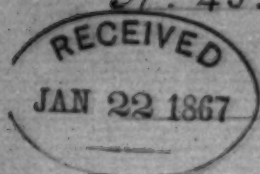
I have to request, therefore, that orders may be immediately sent to the officers in Manchuria, that, if the Koreans should deliver over these twenty-four men to them, to treat them with kindness and protect them, and not with the harshness shown to the former company. All expenses incurred by the authorities there on account of these men will be repaid by the Government of the United States.

I have, &c

St. Mills Williams

ack'd 187

N^o 45. Two Inclosures



Legation of the United States,

Peking, October 31st 1866.

Sir,

I have the honor to send you <sup>Negotiation
of Treaty
with Italy.</sup> a communication (translated) from Senor
V. F. Arminjon, the Plenipotentiary of the
King of Italy and my reply (Inclosures A. B) <sup>Inclosures
A. B.</sup>
relating to his mission to China. Prince
Kung immediately responded to his
proposal to negotiate a treaty, and
appointed Tan Ting-siang, one of the mem-
bers of the Foreign Office, and Tsunghau, to
arrange the details. A treaty was signed
on the 26th inst. at Peking, which places
the Italians on the same footing as the
most

To Hon. William H. Seward

Secretary of State.

most favored nation; it contains fifty-five articles, whose stipulations include all the advantages which have been gradually obtained from the Chinese Government by other nations, and embodied in their several treaties, disposed in such an order as to exhibit the present relations between China and other countries. The Italian envoy and suite left today for Tientsin, where he is to complete the signing of the treaty with Tsunghau, the other commissioner on the part of the Chinese.

I may state, in this connection, that the Portuguese treaty, which was negotiated in 1862, has not yet been ratified, nor has any new proposition been received from them respecting the
adjustment

adjustment of differences. The Spanish treaty which was arranged in 1864, has not yet been ratified, but the exchange of ratifications will ere long be made; and also those of the Belgian treaty.

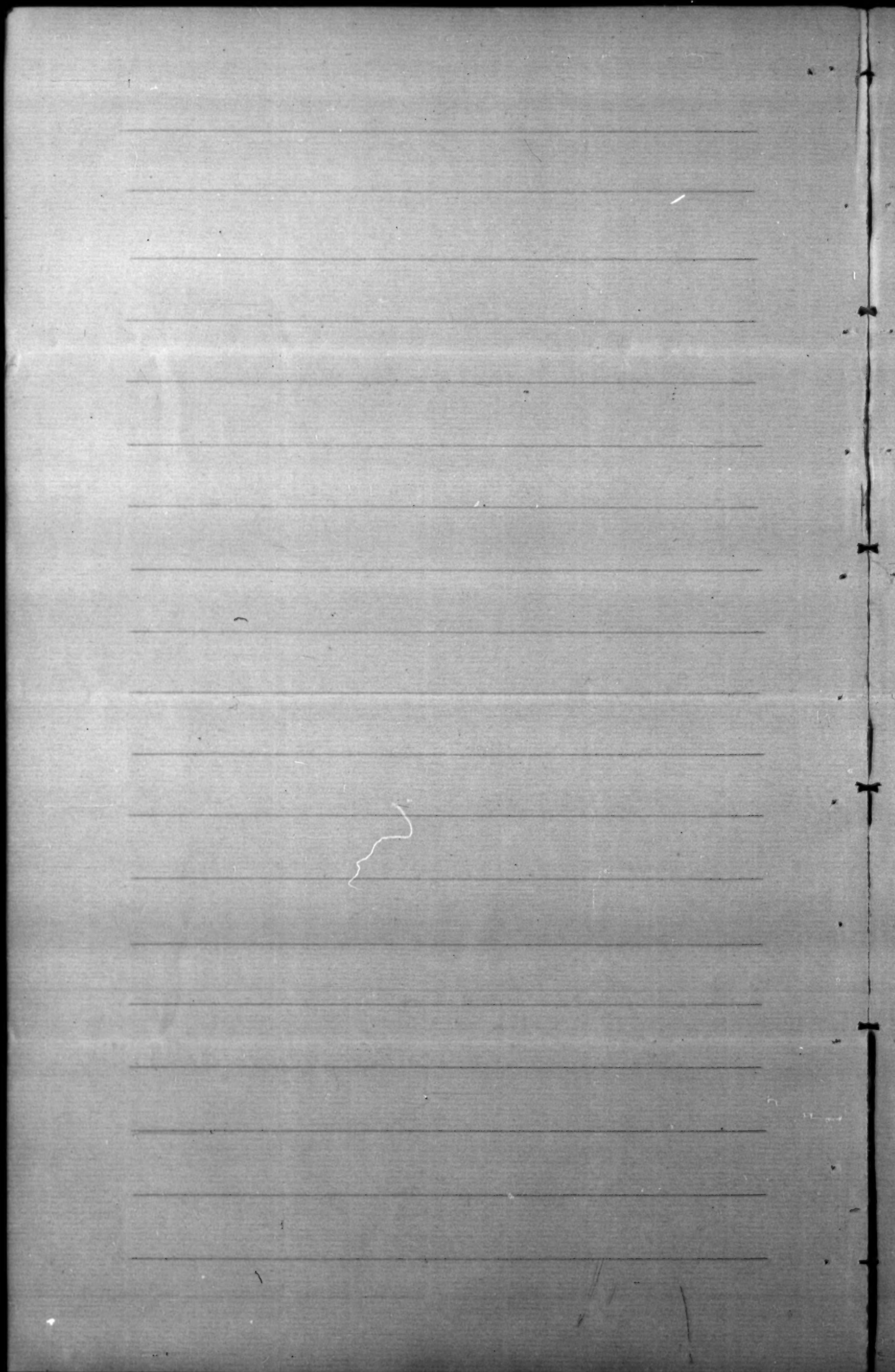
China has now entered into treaty relations with all the European Powers, except Austria, Turkey, and Greece.

I have the honor to be,

Sir,

Your most Obedient Servant,

Edmund Williams,



(Translation)

Peking, September 30th 1866

M. le Ministre,

I have the honor to inform you of my arrival in Peking as Plenipotentiary from his Majesty the King of Italy to his Majesty the Emperor of China; my mission has for its object to negotiate and sign a solemn treaty of friendship, commerce and navigation

The government of his Majesty, my august Sovereign, has decided that it can delay no longer to aid in the success of the cause of civilization that most of the nations of European origin are desirous should prevail in Eastern Asia; and it wishes to bring to this work all its own influence so far as the means now at its disposal permit. It justly thinks that, to accomplish this

end,

To His Excellency Dr. Williams

Minister of the United States,

Peking

end, the concurrence (intente) of Christian Powers should be unreserved in this place in order to bring it about as soon as possible.

Italy has not arrived in China at the last hour. But then it will be unjust if she cannot obtain all the advantages possessed by other Powers, which have made sacrifices to establish themselves in this part of Asia, and if the same consideration is not accorded to her in everything. In Europe, Italy has been the cradle of science and arts, and the home of their revival; its claims to the recognition of humanity are as noble as they are ancient.

It is with these views, Sir, that I have come to claim the efficacious support of the Diplomatic Corps now residing in Peking. The commercial interests of Italians are not yet extensive in Chinese ports; but it is not alone
the

in the spirit of speculation and trade which has given rise to the expedition of which I am the head. The government of King Victor Emmanuel cannot doubt that Italy will, - without difficulty, obtain the material privileges which the subjects of all other - nations really enjoy; but it will not put its hand to a Convention by which the country shall be placed in a position of relative inferiority.

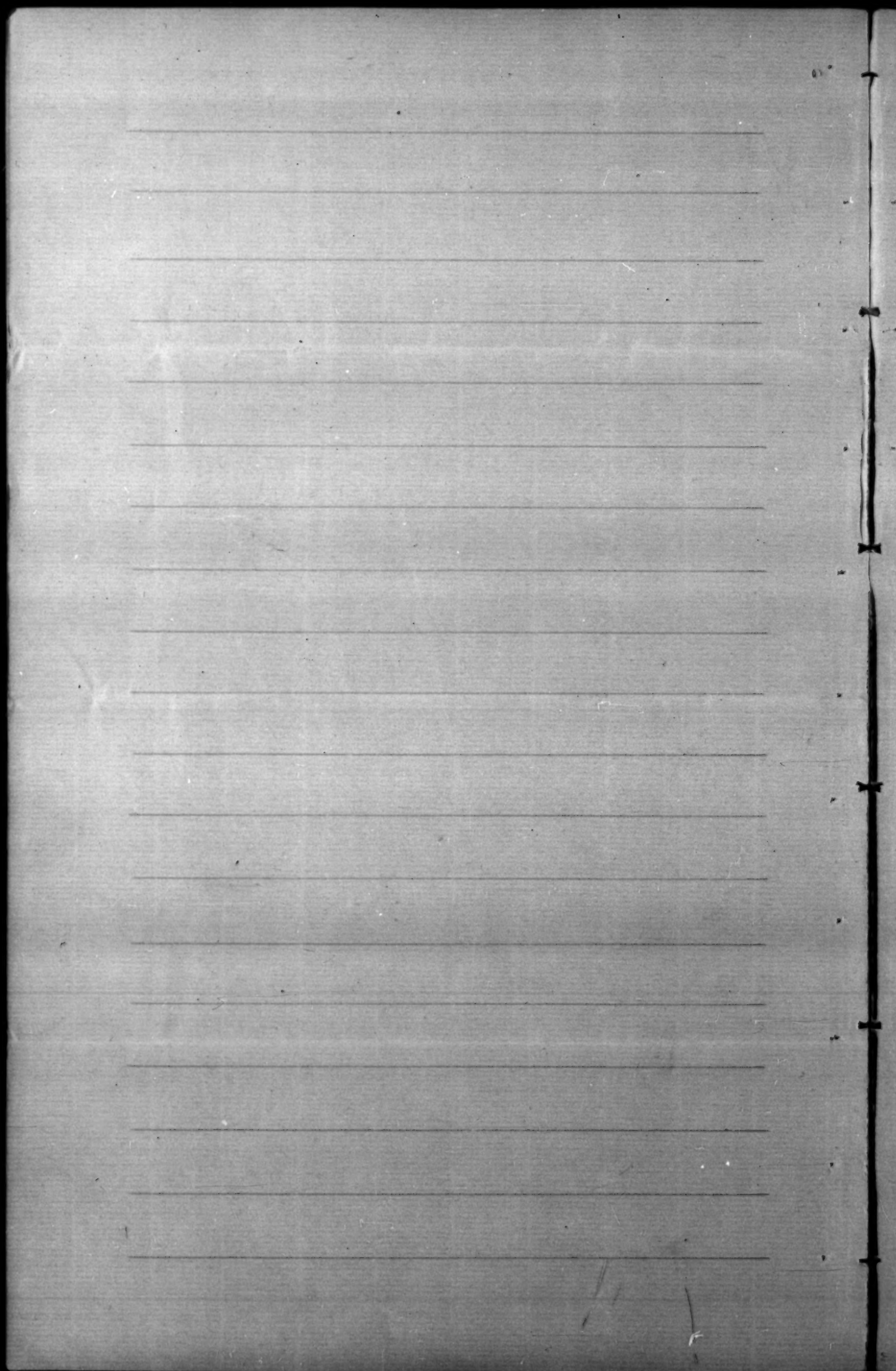
I have the honor to present to you, Sir, the sentiments of my high consideration

(Signed) V. F. Arminjon

Plenipotentiary of H. M. the King &

Post-Captain commanding the Frigate

Magenta.



M. Ponté

Dispatch N: 45
Inclosure B.

A. M. M.

Legation of the United States,
Peking, October 5th 1866

M. le Ministre,

I have great pleasure in
acknowledging the dispatch of the 30th ult.
which your Excellency has done me the honor
to address to me, informing me of your arrival
in Peking as the Plenipotentiary of his Majesty
the King of Italy, to negotiate a treaty of peace,
commerce, and navigation with the Chinese.

I desire to heartily congratulate
you on your arrival in this capital on such
a mission of civilization, and to assure you
that I shall be most happy to aid, as far
as I can, in your efforts to negotiate such
a treaty as shall place the Italian nation

on

To His Excellency V. F. Arminjon,

Plenipotentiary of H. M. the King of Italy

on the same footing in China as other Christian Powers. The United States must especially rejoice at the progress of Italy in every essential element of prosperity and stability; and your presence in this city on your high mission furnishes additional proof of her advance in national greatness. Your Excellency's arrival recalls the ancient days when the Emperor Antoninus sent his envoy to seek China - but how changed now are the positions of Europe and China! A higher progress in international comity, and a better appreciation of her own position, are likely to result to the latter.

I can hardly suppose that you will have any difficulty in placing the diplomatic relations of the two countries

on

on an honorable basis by arranging the
terms of a treaty from which may flow
many benefits.

I avail myself of this opportunity
to assure Y. E. of the high consideration
with which I am, Sir,

Your Obedient Servant,
J. M. Williams,

N^o 46-17 Inclosures.

Rec 12 Apr

Legation of the United States,
Peking. Novem. 15. 1866

Sir,

I have the honor to acknowledge the receipt of your dispatch N^o 164 of April 24th, addressed to Mr. Burlingame, inclosing a correspondence between Mr. Bigelow and the French Minister of Foreign Affairs, respecting the homicide of J. W. Butler. In this dispatch you requested that whatever authentic information can be collected respecting this affair may be sent you in order to a full understanding of its merits; and I accordingly wrote to E. C. Lord, our worthy Vice Consul at Ningpo, asking him to send me all the additional documents which bore on the case.

At the same time I stated to him the purport of the correspondence respecting it which had been carried on at Paris, and added as follows:—"The Minister of Foreign Affairs, M. Drouyn de Lhuys, in his reply,"

"reca."

Hon William H. Seward
Secretary of State

"recapitulated several reasons which induced
"him to think that M. Simon had decided
"the case according to law and justice, -
"and closes his argument with the fol-
"lowing words: - 'In fine, M. Simon affirms
"that he took care, before giving judgment,
"to assure himself that the consul of the
"United States at Ningpo would defer to
"the decision of the Consulate of France.'"

In reply, I received some additional documents from Mr. Lord, part of which - all that are of any importance - I now inclose (Inclosures A - F) agreeably to your request, and with those previously contained in my dispatches Nos 7 and 29, will give you every important particular relating to the trial. Mr. Lord's answer, in explanation of M. Simon's reported assertion (Inclosure Q), shows his caution at every step of the proceedings in this unique case. It probably would not have attracted attention from its complication of four nationalities, viz. Chinese, American, French and British, if the British consul at Ningpo had exerted his undoubted right, and had claimed Pepin as amenable to his own consular court, and invited the other consuls to

to be present; but with increasing intercourse, all nationalities are likely to be found on shore, and not on shipboard, in China, and a case similar to this may arise again at any moment.

The remark of the French Minister for Foreign Affairs, "that the application of the system in force for more than fourteen years has not until now given room for any criticism of such a nature as you (Mr. Bigelow) would wish to defer to my investigation;" carries with it very little weight to my mind in view of the fact that no case like it requiring appeal has occurred before between our citizens and French subjects. Yet the system in force fails in its end on the first trial from the utter impossibility of carrying the appeal to a place so remote as Pondicherry.

As the French Government declines to entertain the proposition to give appellate jurisdiction to any diplomatic officer in China, I would respectfully suggest that the usage of the Prussian Government of designating a legal adviser to live in China, whose functions are to explain and decide upon the laws applicable to any particular case, be

be brought to its notice. A functionary invested with semi-appellate jurisdiction would serve at least as a referee to those who might wish to learn how to carry their case to Pondicherry, and whether it was legal or expedient to do so.

I have the honor to be,

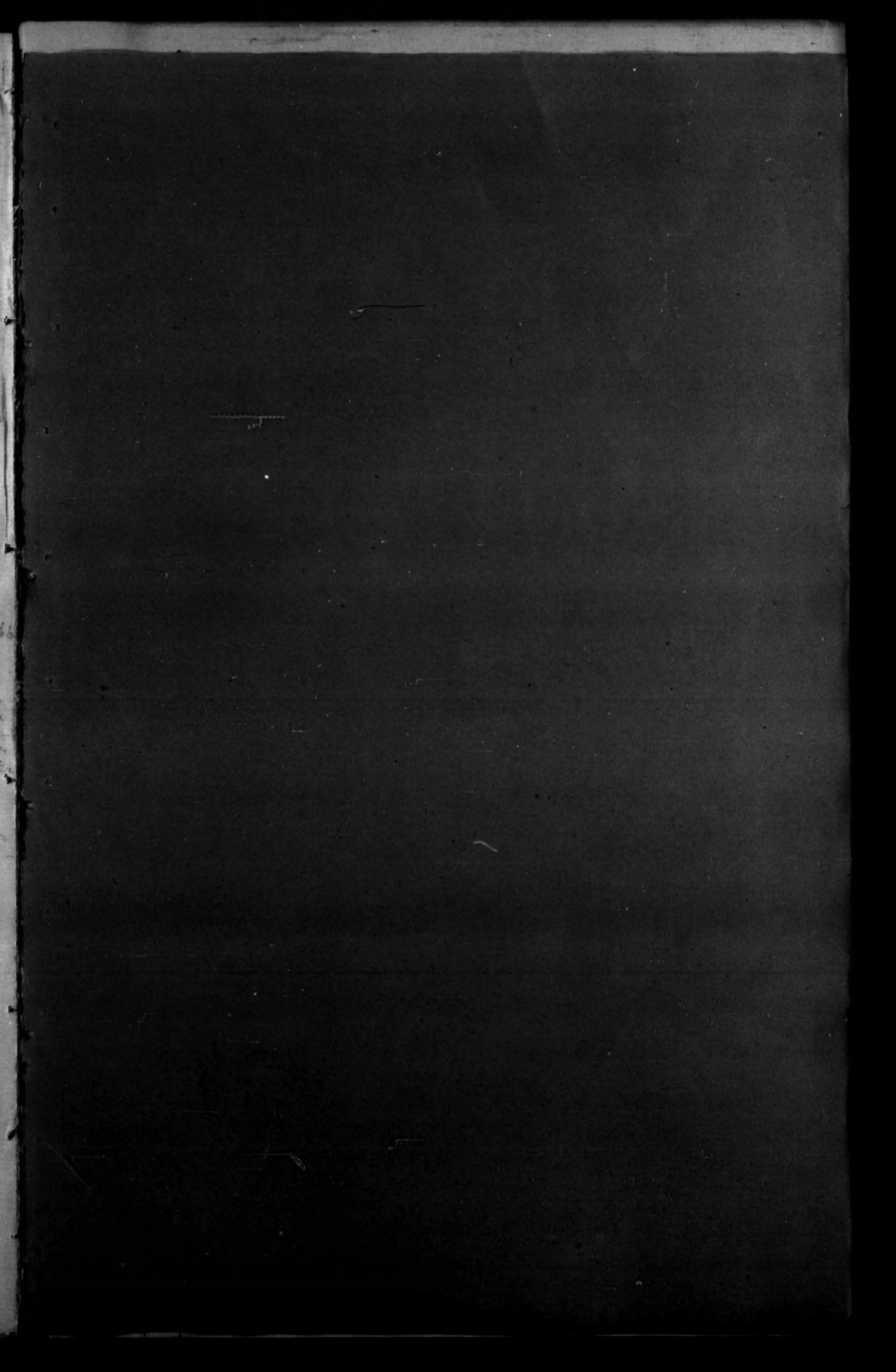
Sir,

Your Obedient Servant,

Miller Williams

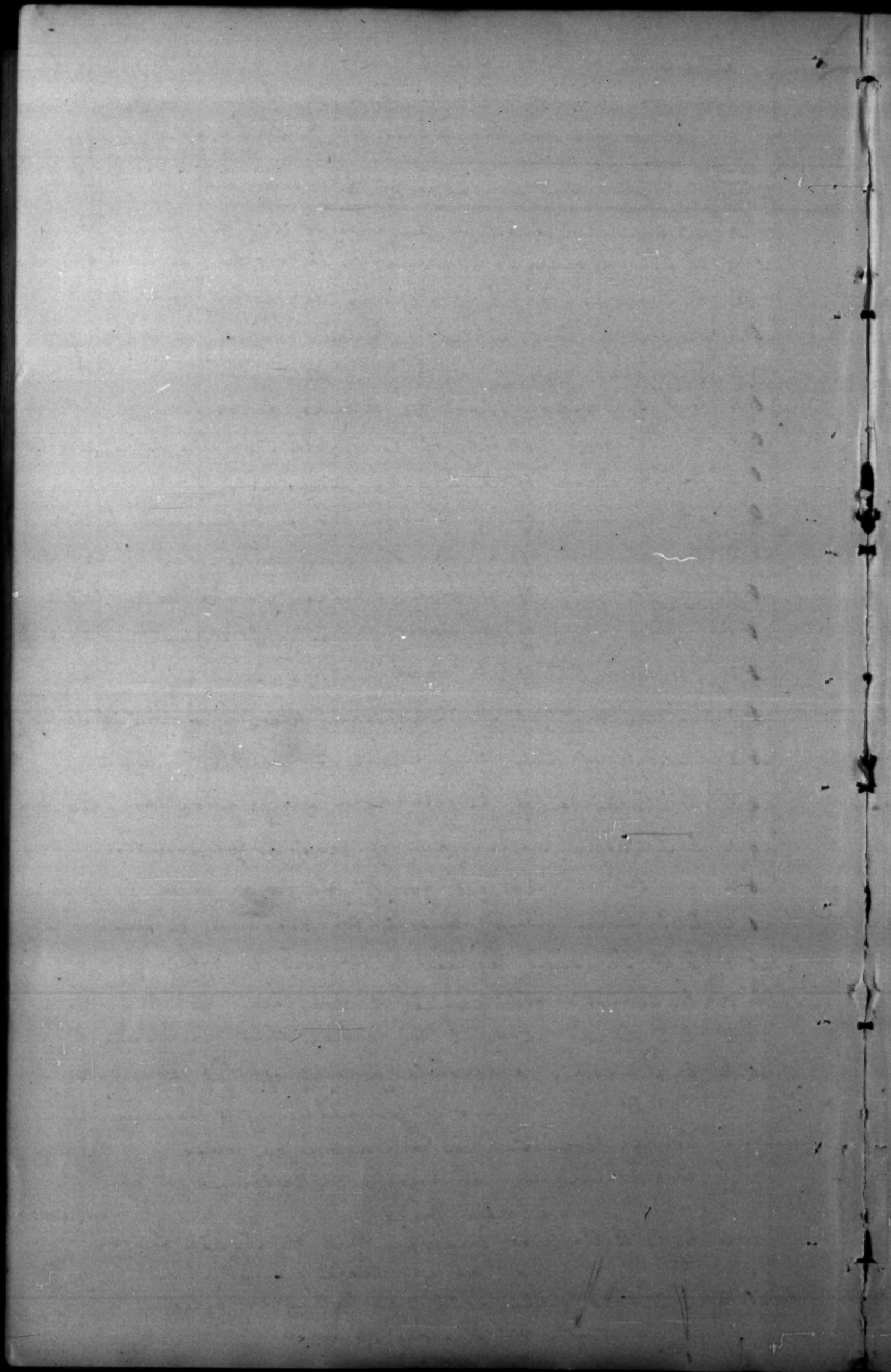
P.S. Jan. 2. 1867. — The preceding dispatch was nearly ready to send, when Mr. Burlingame reached Peking, bringing your dispatch N^o. 169, in which you desire this case to rest. However, as he coincides in the view that it is due to Mr. Lord to put his explanation on record, and the other papers may be useful if the case should ever be referred to, he advises that the whole dispatch be sent, as by me, so that it may be on file with the two previous ones. The recent appointment of Mr. Berthemy to Washington adds another reason for doing so, inasmuch as you may deem the whole affair of sufficient importance to make it the subject of a friendly interview with one who is so well qualified as he is to give an opinion.

S. W. W.



Schedule of Documents connected with the
case of the homicide of J. W. Butler, Ningpo, 1865
contained in Dispatches Nos 7, 29 and 45.

| Dis- patch No | Incl- udes Mar- ked | Writer and character of the document | Date |
|---------------------|------------------------------|---|-------------|
| 7 | A | G. F. Seward's report of the case to U. S. Legation | 10 Aug. |
| 46 | M | W. Irwin's order to receive Butler & others at Amoy | 5 April |
| 7 | C | E. Simon's report of Pepin's deposition made on | 25 " |
| 46 | B | Report of Capt. Jones to British consul at Ningpo | 17 " |
| 7 | D | E. C. Lord's report of Butler's deposition on | 18 " |
| 46 | E | G. F. Seward's report of Ward's deposition | 8 May |
| 46 | A | E. Simon's report of Constable Préclaire deposi ⁿ | 22 April |
| 46 | D | Declaration of A. Sharpe, tidewater | 21 " |
| 46 | G | Statement of W. Spray, coal. skimmer | 20 " |
| 29 | D | Deposition of J. Lanstraam, carpenter | 29 " |
| 46 | H | do of Albert Miller, cook's mate | 29 " |
| 46 | I | do of H. Jones, master of "Annette" | 29 " |
| 46 | J | do of A. Parkhurst, quarter. master | 29 " |
| 46 | C | do of J. Vaughan, pilot who came up | 30 " |
| 46 | F | Report of Yih, the Chinese weiquen or deputy | |
| 46 | K | Declaration of R. Meadows, surgeon on wound | 26 " |
| 29 | A | E. Simon's summary of reasons for acquittal | 16 May |
| 46 | N | Do request for Mr. Lord's opinion | 7 June |
| 46 | O | E. C. Lord gives reason for deferring an opinion | 10 " |
| 46 | P | G. F. Seward's request to Mr Lord for affidavits | 9 " |
| 7 | B | E. Simon's ordinance of non-lieu | 24 " |
| 29 | B | E C Lord's request to revise this ordinance | 21 " |
| 46 | L | E. Simon's acknowledgment of this request | 21 " |
| 29 | C | Do reasons for adhering to decision | 24 " |
| 7 | E | Councillor Eames' opinion on case | 1 Aug. |
| 7 | F | S W Williams requests M. de Belloumet to order a new trial | 13 Sept. |
| 7 | G | H. de Belloumet answers that the French Legation has no appellate jurisdiction | 14 " |
| 46 | A | E C Lord statement respecting his agreeing with Mr. Simon's decision | 4 Oct. 1866 |



Private interrogatory of the witness.

Statement of Austin Preclaire, Constable.

This 22^d. day of April 1865, before me, Viscount Brehier de Montmorand, H. S. M. consul-general at Shanghai, assisted by Mr. Anthony Bacournier, clerk of chancery, filling the office of register, appeared Austin Preclaire, who stated as follows:-

Question. What is your name?

Answer. Austin Preclaire.

2. What is your profession?

A. I am a seaman.

2. Where were you born

A. At St. Pierre (Martinique)

2. You was on board the British steamer "Annette" at the same time Pepin fired his revolver against the American?

A. Yes Sir.

2. Where did you stand?

A. Near Pepin, for seeing him attacked by the American. I had gone forward in order to give him assistance.

2. You swear to speak the truth, and nothing [but] the truth?

A. I swear to speak the truth.

2. Relate what occurred since you left Amoy.

A. About 22 days ago, the Baron de Meritens, director of the customs at Foo-chow, being present accidentally at Amoy, gave in charge to Pepin and to me, seven Europeans, of whom five were in irons, and whom the Chinese authorities wished to have sent to their respective consuls. We were on board the English steamer named "Annette", which departed the same day that the prisoners had been sent on board by the captain of a schooner belonging to the Chinese Government.

The orders given by the Baron de Meritens were, to watch the prisoners during the passage, and to keep them in irons until we got to Shanghai in order to prevent their escape. Nevertheless, the next day after our departure, the prisoners, assisted by the crew, broke their irons. At Foochow, we informed the officer of customs, who answered that it did not belong to his department, but he would send on board some custom-house officers in order to watch the prisoners and prevent their escape

escape while the steamboat was in the road. Nevertheless, one of them attempted to escape at Foochow, assisted by an English pilot from Shanghai who was on board.

We came to Ningpo the Sunday evening, and then we spoke to the mandarin who was on board since the departure from Amoy, and who had been sent also in order to watch the prisoners; and we told him that we wished to secure the prisoners by placing them again in irons; and then he, (the mandarin) got ashore to seek some Chinese soldiers. A short time afterwards, in fact, he came back again with 12 or 15 Chinese soldiers; but the Americans resisting, the mandarin and his Chinese soldiers durst not use any violence, and went away without having secured them. Scarcely had they gone away, the American Butler proceeded at the stern of the ship and calling upon Pepin insulted him differently, reproached him with having been seeking some soldiers to put them in irons. Pepin answered he had done so; and then the quarrel continued. Pepin and the officer of
customs

customs, who was on board and near him, - requested Butler to leave the stern of the ship where they were quarreling, and to go forward. The American refused to obey, and again insulted Pepin, saying, "Leave your cudgel if you are a man, and pull off your coat, and come to box." Pepin denying that provocation, and again requesting him to go forward, Butler ran at Pepin, and caught him at the neck. Pepin then told him, "Let me go! I know you have a knife, but if you strike me, I will shoot you." The American struggled to strike Pepin, and continued to grasp his neck. Pepin, fearing that he might strike him with his knife, - caught the other hand of Butler with one of his; but as he saw the other prisoners and the crew running in order to assist Butler, he drew the revolver which was in his waist, and in the same time fired involuntarily and wounding nobody; but after some seconds, as the American was always grasping him and pulling down, the Frenchman fired again and with his revolver shot Butler kneeling, but he (Butler) not letting

go

go his hold of Pepin. Cutler then exclaimed, "I am dead, he have killed me!" The crew and the other prisoners seemed very very embittered against Pepin, and would do some harm to him if the captain of the "Annette" had not come in time to prevent any future injury. He [the captain] placed him [Pepin] in irons, and sent him on shore.

I must say, after he was in irons, he was ill-treated by the crew. The carpenter and the coal-trimmer kicked him, and the Shanghai pilot threatened him that he would shoot him. But I have not seen any weapon in his hands.

Quest. Do you know something more?

Ans. No Sir.

The present declaration was read to the witness, who says it is true; in testimony of which he is willing to swear, his right hand being raised, and in the same time he raised his hand. And we signed with the Register and the assistant Chancellor, except the witness who said himself be unable to sign, and put his cross instead.

[Signed] C. Dillon

Baconnier

Preclaire

+
his cross

[Signed] M^e Brevier de Montmorand

True Copy S. M. Williams

Inc. B. Letter from H. Jones, Master of S.S. "Annette".

S.S. "Annette",

Ningpo, 17 April, 1865.

Sir,

I beg to report the arrival at this port of the S.S. "Annette", from the port of Amoy, at which place she received on board seven European prisoners, with two constables, a Frenchman and a Portuguese.

The consular documents accompanying the former I inclose.

On the evening of Sunday the 16th inst., the French constable threatened to place one of the American prisoners — (George Butler) in irons, at the same time seizing him by the arm, whereupon the prisoner offered some slight resistance, on which the constable drew a revolver and shot Geo. Butler through the right side. Dr. Meadows was immediately sent for, and had the wounded man removed to the hospital.

The commander of H. M.'s gunboat "Cockchaffer" was then communicated with, who sent an armed boat's crew, and conveyed the said constable to H. B. M.'s consular prison.

I remain, Sir, your O^bl^t Ser^t.

J. H. Fittock Esq.

H. B. M. Consul, Ningpo

Henry Jones

True Copy S^t H. Williams

Deposition de Joseph Veugham, pilote.

Ce jourd'hui trente Avril 1865, par
 devant nous consul de France à Ningpo,
 assisté de notre chancelier, est comparu le nomme
 Joseph Veugham en vertu de notre ordonnance
 d'hier à l'effet de déposer sur le meurtre du
 nomme Butler.

Et, ayant prêté serment de dire la
 vérité, et rien que la vérité, il a déposé
 ce qui suit.

Je suis pilote, et c'est moi qui ai
 conduit l'"Annette" de Chinhac à Ningpo lors.
 que ce steamboat s'est présenté à l'entrée de
 la rivière. J'étais à bord du bâtiment lorsque
 la Français Pepin a tiré deux coups de re-
 volver sur l'Américain Butler, et j'ai bien
 entendu partir les deux coups à une minute
 environ d'intervalle l'un de l'autre, mais
 l'obscurité m'a empêché de voir ce qui se
 passait. Je suis seulement arrivé au moment
 où le 2^e coup était tiré, et j'ai vu tomber l'Am.
 ericain qui venait d'être frappé. J'étais occupé
 à la poupe, et par conséquent assez éloigné
 pour ne pouvoir rien distinguer à cause de l'ob-
 scurité, sans pourtant être assez loin pour ne
 pas entendre les paroles. Pepin autant que
 je l'ai pu comprendre voulait remettre les
 prisonniers.

prisonniers entre les mains des mandarins, et les prisonniers s'y opposaient. Le Capitaine au moment où le mandarin arriva à bord avec ses soldats fit retirer tout l'équipage de sorte que j'ignore si les prisonniers ont menacé armés de cabiaur les soldats du mandarin. Ceux ci étaient environ 20 ou 30.

Les ^{soldats} étaient déjà presque tous partis, et le mandarin rembarque lorsqu'est parti le 1^{er} coup de pistolet. Les hommes de l'équipage n'ont rien vu de ce qui s'est passé le capitaine comme je l'ai déjà dit les ayant vus fait retirer. Mais l'officier des douanes était resté est a été témoin des faits. Le Capitaine aussi pouvait voir ce qui se passait étant à dîner au moment du meurtre, dans une cabine vitrée qui est sur le pont.

Je n'ai vu ni couteaux ni poignards entre les mains des soldats, et n'ai pas entendu dire qu'ils en eussent.

Le pilote Haenrich était à dîner
avec

avec le capitaine au moment du meurtre, et a pu voir aussi bien que lui comment les choses se sont passées, - aussi bien que quelques soldats du mandarin qui se trouvaient encore à bord.

Lecture ayant été faite au témoin de tout ce qui précède, il a déclaré y persister, n'avoir rien à y ajouter, ni à y retrancher, et a signé avec nous et notre chancelier, à Ningpo, le jour, mois, et an que dessus

(signé) Joseph Vaughan

True copy

J. Williams

Declaration of Amos Sharpe, tide-waiter
in the Imperial M. Customs at Ningpo,
in the case of Mr. Butler and a constable
on board the British steamer "Annette".

Ningpo, 21st April, 1865

I proceeded on board the British
steamer "Annette", in accordance with
instructions received from my superiors,
to take charge of prisoners, seven in num-
ber, who had arrived in that steamer
from Amoy; it was about 6^h 30^m. After
being about thirty minutes on board,
I saw a number of Chinese (who, it
appears were soldiers sent by the local
authorities to place the prisoners in irons)
go forward. I followed them, but not
being able to get into the midst of
them, I retired; shortly afterwards, the
soldiers came away from the prisoners.
I then managed to get near the prison-
ers, and informed them that I was de-
puted by the commissioner of customs
to see after them, and inquired of them
what was all the disturbance about;

(This

(this was during the time the soldiers were forward) and they told me that they would not be placed in irons only by the proper representatives of their respective nations. I was in the act of leaving them at this time, when they all followed me to a very short distance. I turned round and told them all to go forward, which they all did, with the exception of Mr. Butler, who followed me - at the same time using some very threatening language (in my hearing) to the constable. My back was at that time turned towards a Chinaman, when I heard a quarrel between the constable and Mr. Butler. I made use of the words, "No disturbance there; go forward!" Directly afterwards, I heard the report of a fire-arm. The words used during the quarrel were, - Constable, "You have got one knife upon you, and if you strike me I will shoot you." Prisoner, "You son of a bitch! I got no knife about me." With these words, he jumped upon the constable with the intention (to the best of my knowledge) to do him some injury. While they were wrestling with each other, I heard the report of a pistol, but

I would not swear altogether if it was fired by the constable or the prisoner. — Shortly after, a second report was heard, when Butler shouted out, "I am shot!" "he has shot me! I am shot in the belly!" "I am dying."

The captain then came out of the cabin, and secured the constable by placing him in irons. From what I heard from the crew, the constable's chest had been broken open, and some money stolen. The pistol which is supposed to have shot Butler was also taken, but returned to the constable by Butler. I took the second officer to the doctor (Mr. Meadows) who rendered every assistance to the wounded man. The crew seemed to be very embittered against the two constables.

(Signed) Amos Sharpe
Tidewaiter Imperial M. Customs
Ningpo

True Copy

J. W. Williams

In the Consular Court of the United States,
Shanghai, 8th May, 1865.

Personally appeared Edward Ward, who
being sworn deposed as follows; -

I remember being on board the British
Steamer "Annette", at anchor in the port
of Ningpo, on the sixteenth day of April,
1865, at between five and six O'clock P.M. -
as near as I can remember.

I was at that time in company -
with S. C. Hillman, J. W. Butler, and a
Custom House officer named Sharp. we
were standing about amidships, on the
upper deck, on the port side. Butler wished
to speak to the Custom House officer, who
turned to us, (myself and Hillman) and
told us not to come any further aft -
as he said it might cause a disturbance
between us and the Chinese officers, who
were on deck, engaged in loud and tur-
bulent conversation with the Frenchman
(the constable), he urging them to have all
the prisoners, (Butler, Leach, Hillman, myself,
and three Germans,) put in irons. I under-
stood what he said to the Chinese of-
ficers

officers, as he spoke in broken Cantonese English to the Interpreter.

Butler and the Custom House officer walked aft together, I walked forward with Heilmann, and on starting to go forward I saw Butler speak to the French Constable. I do not know what he said to him. After taking three or four steps forwards in company with Heilmann, I heard a slight report of a pistol. I at once turned, and went aft, and when within about ten paces saw the flash of a pistol, (it being then dusk) over the shoulder of some of the persons on deck, and heard the second report. Butler at the same time cried out "Murder! I am shot!" The Frenchman seemed to have hold of Butler, who was nearly prostrate on the deck. When I got to Butler, the Captain and the first officer of the Steamer had hold of the Frenchman, and asked him what he was doing. I do not know what reply the Frenchman made if any. Several of the persons present then picked up Butler, and carried him into the cabin, and the chief officer at once put the Frenchman in irons, taking a pistol away from him. About an hour afterwards I

I went ashore with Butler, some of the crew of the Steamer accompanying us to assist in carrying him to a room in Dr Meadows' Hospital. Dr Meadows examined the wound before removing him ashore, probing it with his finger, and said, it being serious he had better be removed to the Hospital.

I remained with Butler until his death, which took place on the morning of the twenty first day of April, 1863. I was also present at the post-mortem examination held by Dr Meadows, who said in my presence that Butler could never have recovered from the effects of the wound. He also informed me that he would send his verdict to Mr Lord, the U. S. Vice Consul, if so required. I was also present at the time of Butler giving his deposition to Mr Lord.

In conversation before his death, Butler several times expressed his regret at having been murdered by the Frenchman denouncing him as such murderer.

(Signed) Edward Wards

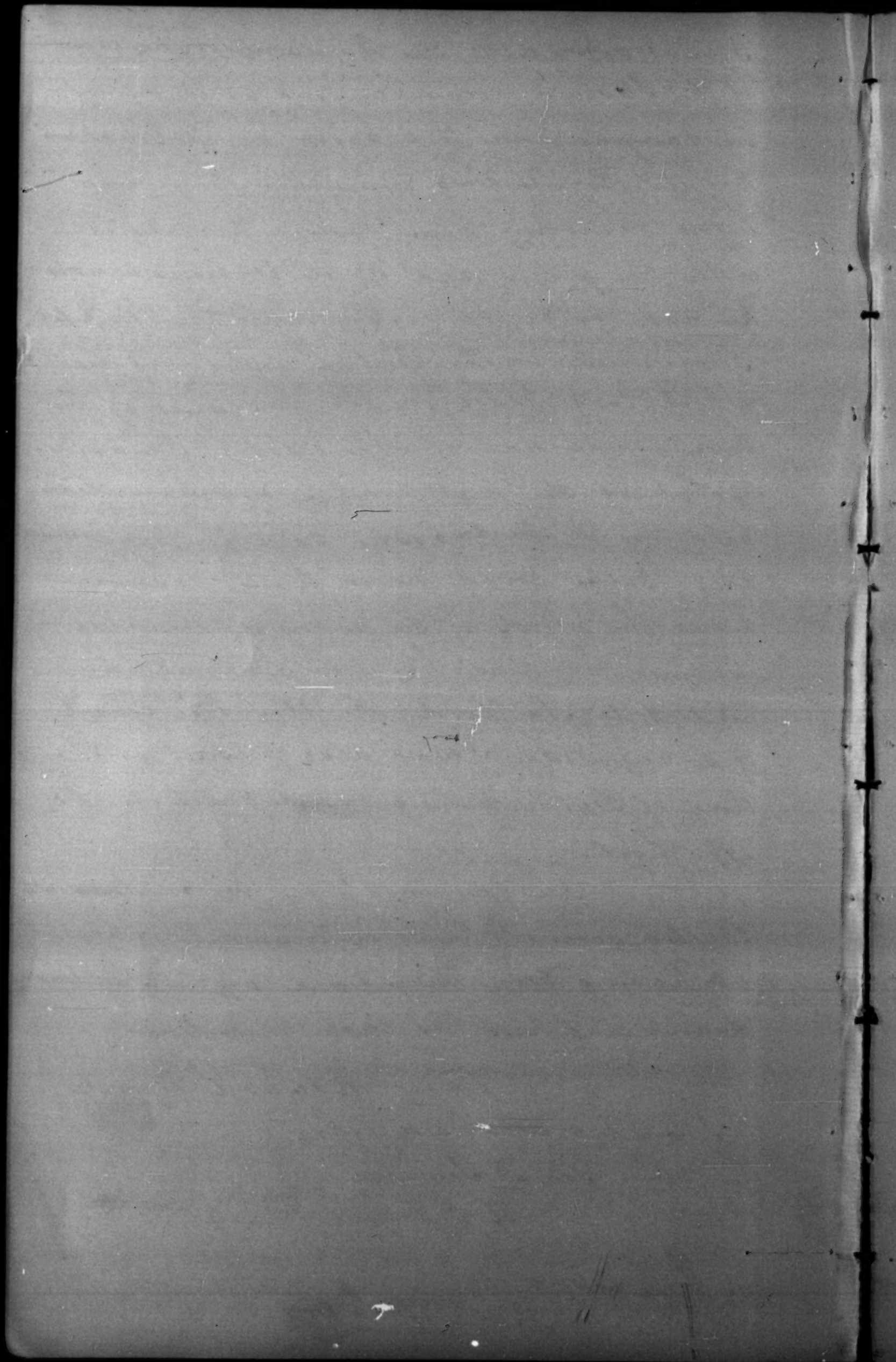
Sworn to & subscribed before

(Signed) Geo. F. Seward

U. S. Consul General

True Copy

J. W. Williams



Yih,

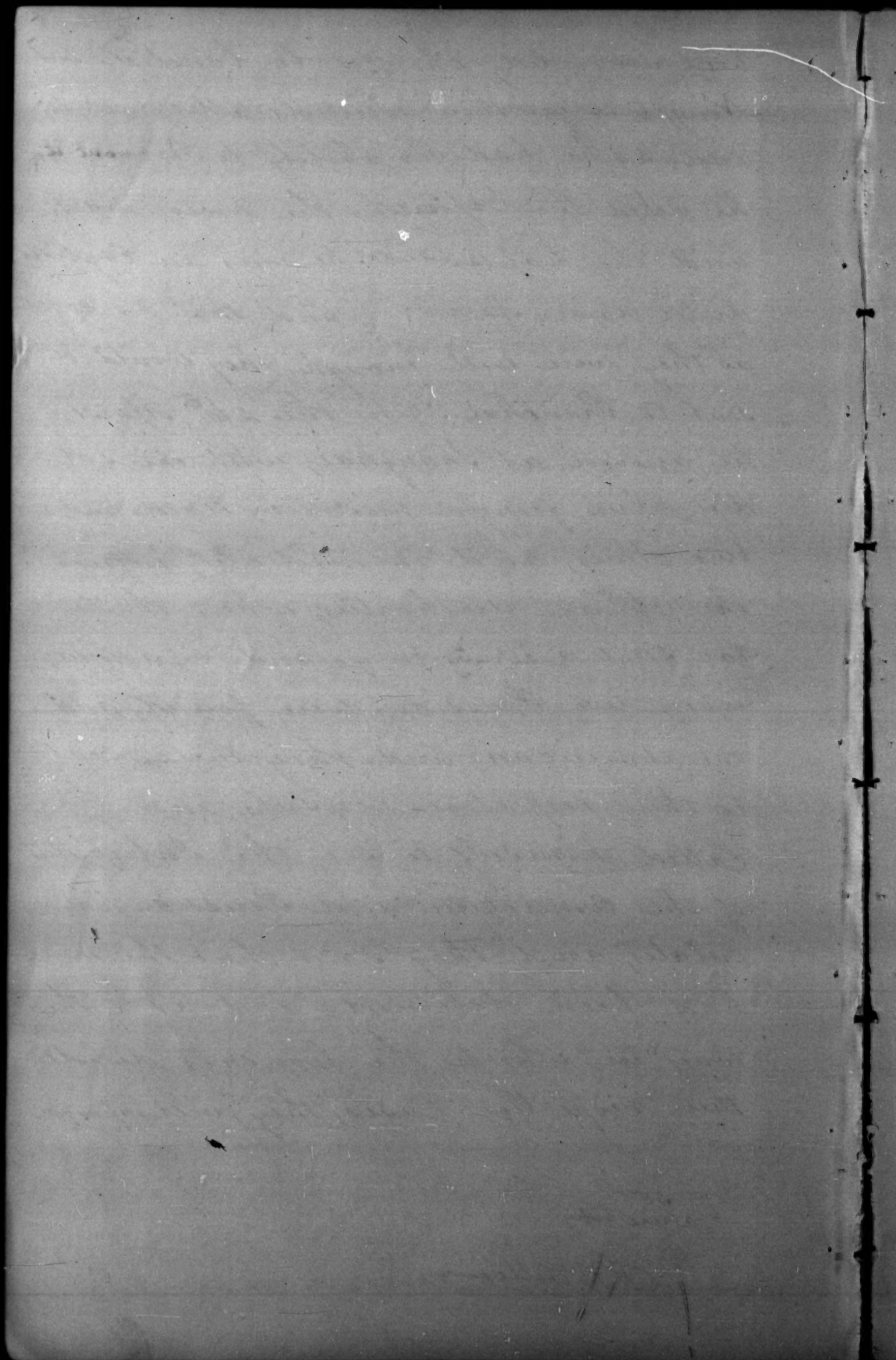
The Weiyuen, or officer deputed to accompany certain foreigners taken prisoners by the Chinese officers near Amoy, and deliver them to the authorities at Shanghai, states in his dispatch to Tsun, the Tantai at Amoy, - that the Commissioner of Customs, Meritens, sent two foreign soldiers to assist in guarding the prisoners to Shanghai - 7 persons in all; and he engaged passage for them in a steamer called the "Annette", and directed him to deliver them to the Tantai at Shanghai. In obedience to the Tantai Tsun's instructions, we started on the 11th of 3 month (April 6), and on the 14th (April 9) arrived at "Loh-sing-tah" near Hukchaw. The soldiers reported then (noon) that the prisoners fetters were all broken off, and that one of them had fallen overboard and was drowned, and that their strength was inadequate to

to their safe keeping; he therefore urged these foreign soldiers to be the more careful in looking after the prisoners. On the 21st (April 16), we arrived at Ningpo. He then begged the Tautai at Ningpo and the magistrate (Yaw) to send some able-bodied soldiers to come and put the irons on the foreign prisoners; and before we had commenced, the foreigners became fierce, and one stopped up the after-passageway, taking a club in his hand, knocked a foreign soldier to the ground, as if he would kill him, and thus get his liberty. The foreigner fearing he would be injured (or killed), immediately drew a pistol and fired. The foreigner wounded fell to the ground (deck). The captain of the ship and the foreign soldiers then succeeded in confining the three prisoners. One of the foreign soldiers preceded us to Shanghai in another steamer, to present a letter to the Consulate. On the second day, an English doctor came on board our steamer, and said, that as the prisoner had been severely wounded, his recovery would be difficult and he with two others who had previously been

been wounded, should be landed at Ningpo to get their wounds attended to; and as he had no ability to prevent it, he asked the Captain who the Doctor was; and the Captain said he was an English doctor named Mc-naw; and that as soon as they were well enough they would be sent to Shanghai. On the 26th (April) - he arrived at Shanghai, with one soldier, three foreign prisoners - Ward and two others, and immediately informed the Chinese Authorities; when the Taitai sent a deputy to go and examine; when two Prussians were found, and one American, and they were sent to their respective Consuls, and he called himself to see the Interpreter of the American and Prussian Consulates, and they saw that the men had been delivered; and as to the way in which the Consuls decide their respective cases, they will inform you.

True Copy

J. M. Williams



Statement of William Spray
coal-skimmer, on board S.S. "Annette"
taken before H. M. Vice-Consul this
20th day of April A. D. 1865.

m " m

William Spray sworn states: I
am coal-skimmer on board the S.S.
"Annette". On the 16th of April at about
6.30 P.M. while we were at Ningpo, I was
passing the engine room skylight on the
starboard side, I noticed the prisoner Butler
standing on the opposite side with the
French constable. I did not hear what
passed between them, but I heard two
pistol reports close on each other and
I saw the flash of a pistol from the
Frenchman's hand, I then heard Butler
exclaim: "I'm shot," "I'm murdered." I then
saw the Frenchman seized by some
of the crew and he was put in irons.
I know nothing else. The carpenter -
I think was the only man on board,
who saw exactly what occurred.

(signed) W. Spray.

Taken and sworn to before me
at the time and place first
before written.

(signed) J. Markham, H. M. Vice Consul

I certify this to be a true copy
of the original deposition.

True Copy. S. M. Williams

(signed) Henry Parker
Consul

Statement of Albert Miller
cook mate S. S. "Annette" taken before
H. M. Vice-Consul, this 29th day of April
1865.

— " —

Albert Miller, sworn states; I am
cook's mate on board the S. S. "Annette". I
was on board the vessel in Ningpo on
the 16th inst. Between the hour of 6 and 7
P. M. I was in the galley preparing the cap-
tain's dinner. I heard the shots fired and
ran aft and saw Butler wounded and
the Frenchman was secured and had
no revolver in his hands. I saw nothing
whatever of what occurred. I ran out
on hearing the shots fired. One shot was
scarcely a minute after the other.

(signed) Albert Miller

Taken and sworn to before me
at the time and place first
before written.

(signed) J. Markham
H. M. Vice Consul

I Certify this to be a true copy
of the original deposition.

(signed) Harry Peikes

True Copy J. M. Williams

Consul

Statement of Henry Jones

Master of British Steam Ship "Annette"
taken before H. B. M. Vice Consul this
29th day of April 1865.

m " n

Henry Jones sworn states: I am master
of the Steam Ship "Annette".

While lying in Amoy harbor, the 6th
of April inst, the Customs sent-off to my
ship seven European prisoners (4 Americans
and 3 Germans) in charge of two constables,
one a Frenchman the other a Portuguese.
The American prisoners were in irons, the
Germans were not to the best of my recollection.

On the morning of the 7th I got underway
and left Amoy. All the seven prisoners
appeared on deck without their irons. Nothing
worthy of note occurred until our departure
from Hichau when it was reported -
to me that one of the prisoners named Carter
had escaped. We arrived in Ningpo on
the 16th of April (Sunday) when at dinner
at about 7 P. M. I heard two pistol shots
fired in quick succession. I went on deck
and found one of the prisoners named
Butler wounded and the French constable
with a six barrel revolver in his hand.
I think it had six barrels but I can't
be positive. Two barrels had been discharged.
I took the revolver from his hand, and
had him placed in irons. When I came
on deck Butler was leaning against the cuddy
door

door with his hands on his stomach, he had apparently staggered to where I saw him; he was calling to me that he was murdered. The French constable was close to Butler and also leaning against the front-part of the poop near the door, he was in the hands of some of the crew, but in whose hands I do not exactly know. The only man I know that was an eyewitness amongst my crew was my carpenter. What I have just stated is all I know of the matter. I had the French constable put in irons and sent to H. M. Gun boat for assistance. The French constable had the revolver in his hands when I came up.

(signed) Henry Jones

Taken & sworn to in my presence at the time and place first before written.

(signed) John Markham
H. M. Vice Consul.

I certify this to be a true copy of the original deposition.

(signed) Henry Parks
Consul

True Copy

J. M. Williams

Statement of Arthur Pankhurst quarter
master on board Steamer "Annette" taken
this 29th day of April A.D. 1865 before
H. B. M's Vice-Consul at Shanghai.

Arthur Pankhurst sworn states: I am
quarter master of Steam Ship "Annette".
On the 16th of April while in Ningpo har-
bor, Butler told the French constable that
he did not wish to run away on the
Frenchman, accusing him of wishing to do
so. The Frenchman pushed him back—
near the engine skylight as Butler was
going aft. I was standing about fourteen
feet from them and heard and saw
every thing. Butler told the Frenchman
to keep his hands off him; the Frenchman
then accused Butler of having a knife,
he answered, "So help my God I have not,"
and he unbuttoned his waistcoat. I then
walked round to the gangway on the
opposite side of the deck, while there I
heard the report of a pistol. I turned round
and went towards them, but almost im-
mediately I saw the Frenchman fire
again. I could not exactly see their
position as there was a large donkey
engine between where they were and
where I was. I saw Butler stagger towards
the cabin and cry out that he was murdered.

All this occurred between 6.30 and 7 O'clock
P.M. The Frenchman was then secured,
and I heard him say "I have shot him"

(Signed) A Pankhurst

Taken and sworn to before
me at the time and place
first before written

(signed) J. Markham

H. Mr. Vice-Consul

I certify this to be a true copy of
the original deposition

(signed) Harry Parkes
Consul

True Copy

J. M. Williams

Copy

Disp. N: 45
In R.

Declaration of Mr. Meadows

Surgeon

m " m

I certify, that I attended John William Butler, and that I first saw him on the 16th of April 1865, on board the Steamer "Annette" in a state of collapse; and on examination of the abdomen, I found a round and clean opening, as from a bullet in the lower part of the right lumbar region; and that he was removed to my hospital, and on the 21st of April 1865 he died. On examination after death, I found that the bullet had passed through the abdominal coverings, ascending the colon iliacus muscle, and at least made a deep indent in the iliac, where I found a leaden ball (which I enclose) lying loose among the fibres of the muscle, there attached, and that I believe death occurred from the injuries received.

From the examinations of the wound, I believe the bullet passed through the abdomen without any marked inclinations from the inspection made on the bullet by coming into contact with the iliac, I think it probable that the
pistol

pistol or revolver was inclined downwards.

(signed) Rob Meadows

Surgeon

Ningpo April 26th 1865—

True Copy

J. M. Williams

Consulat de France
à Ningpo, le 21 Juin, 1865

Monsieur le Consul,

Je m'empresse de vous
accuser réception de la lettre que vous
venez de me faire l'honneur de m'écrire
à la date de ce jour, en me faisant con-
naître votre sentiment ainsi que celui
de M^r. le Consul Général d'Amérique,
relativement à l'affaire Pépin.

Quoique je sois bien per-
suadé que les circonstances dans lesquelles
le meurtre de Butler a été commis, sont
telles, d'après les témoignages les plus
graves, c'est à dire, du constable, du man-
darin Chinois, et de l'officier des douanes,
que Pépin doit être acquitté, je vais encore,
par déférence pour votre opinion, et de
votre côté, je vous prierai de vouloir bien
relire avec attention la lettre en date du
16 Mai dernier, que j'ai eu l'honneur
de

Monsieur E. Lord,

Consul des États-Unis

de vous écrire en vous exposant les
motifs qui ont formé ma conviction

J'ai l'honneur d'être, Monsieur
le Consul, votre très humble et très
obéissant serviteur

(signé) G. Aug. Simon

True copy

J. W. Williams

United States Consulate

Amoy, 5th April 1865

The master of the steamer "Annette"
is hereby authorized to convey to Shang-
hai as prisoners in irons, the fol-
lowing persons, who alledge that
they are citizens of the United States
of America.

George Butler

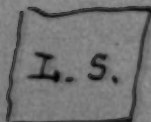
John Barber

Edward Ward

H. Hillman

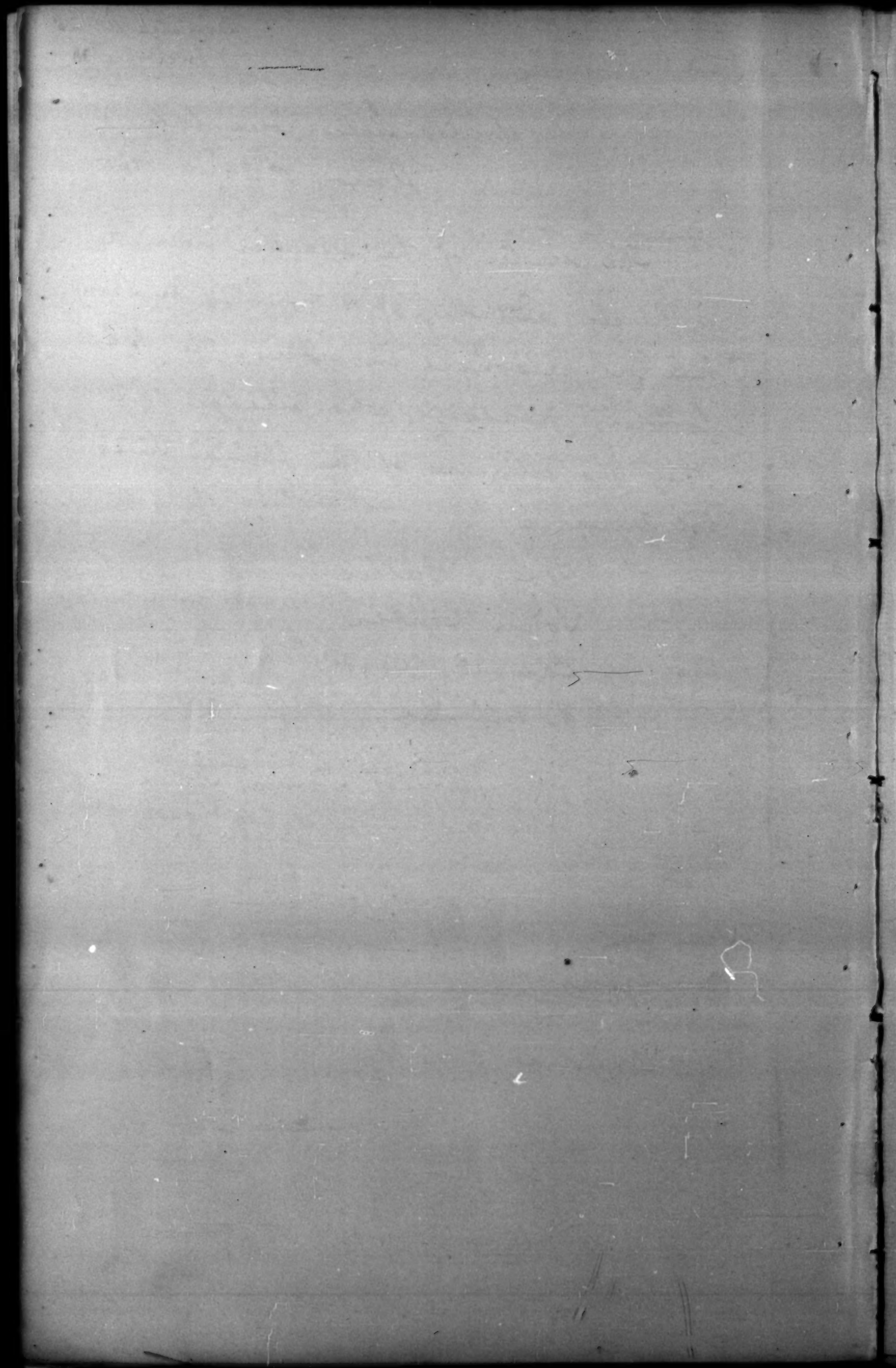
(signed) Thomas Irwin

U. S. C.



True Copy

J. M. Williams



Copy

Dispatch 46
Inc. N.

Consulat de France à Ningpo
le 7 Juin, 1865

Monsieur le Consul.

En réponse à la lettre que -
vous m'avez fait l'honneur de m'écrire à
la date du 6 Juin courant, je viens vous
prier de vouloir bien me faire connaître
votre opinion sur les motifs sur les-
quels je me fonde pour prononcer une
non-lieu de poursuites au sujet du constable
accusé de meurtre sur Butler

J'ai l'honneur d'être,

Monsieur le Consul,

Votre très humble et très obéissant

Serviteur

G. Eug. Simon

Monsieur E. Lord

Vice Consul des États-Unis à Ningpo

True Copy

S. M. Williams

Dispatch 46
Inc. O.

Copy

United States Consulate,

Hingpo, June 10, 1866

Sir,

In reply to your communication of the 7th inst., desiring my opinion in regard to the case of the constable charged with the shooting of Butler, I have the honor to say, that I was only waiting for a moment's leisure to look again over the depositions, when I received a note from the U. S. Consul-general at Shanghai, informing me that the matter is to be looked into further at that place.

Under these circumstances, I presume you will not expect me to give the matter any further attention.

I have the honor to be,

Sir,

Your Obedient Servant,

Edward C. Lord

G. Eug. Simon Esq

Consul for France

Hingpo

True Copy

J. M. Williams

Copy

Dispatch 46
Inc. P

Shanghai, June 9. 1865

My dear Mr Lord,

I yesterday saw the Consul. General for France, who has been absent for above a fortnight, in the Butler case. He says that the French Minister writes that the case must be tried by the British court. Before proceeding, however, in any direction, we agreed to examine such evidence as has been taken. Will you kindly send me such affidavits as you have; the French officer will also be requested to send up his documents to the French consul. general.

The consul. general assures me that the culprit is still in custody. I had been led to believe that he was released, and was glad to hear to the contrary.

Yours.

Geo. F. Seward

True Copy

J. W. Williams

W. KING

ALTON STREET

Consulate of the United States,
Ningpo, Oct^r. 4. 1866.

Sir,

I am in the receipt of a communication from the U. S. Legation at Peking, of 11th ult^o, requesting copies of correspondence relating to the homicide of J. W. Butler; - calling my attention to a remark made in a communication of M. Drouyn de Lhuys, French minister for Foreign Affairs, in the following words: - "In fine. M. Simon affirms, "that he took care, before giving judgment, "to assure himself that the consul of the "United States at Ningpo would defer to "the decision of the Consulate of France; and requesting to be informed, "What is "the foundation for this assertion of the "French consul, as given by M. Drouyn de Lhuys?"

In reply, I have the honor to
inclose copies of the documents concern-
ing

Hon. A. Burlingame
U. S. Minister.

ing this matter that I am cognizant of. -
except those already on file in the Lega-
tion; and to say that, as for the foundation
for the remark referred to - if it means
that I gave M. Simon reason to suppose
that to whatever decision he might come
to I would assent - I know of none
whatever. That there is none in the corres-
pondence herewith furnished, you will be
able to ascertain for yourself. And that
there was none in the personal conver-
sation had with M. Simon, I feel equally
certain. Indeed, the supposition of such
a thing is almost an absurdity. In the first
place, it is hardly to be supposed that M.
Simon would come to me, either to know
whether he had or had not jurisdiction
over a French subject; or to ask whether
I would or would not concur in the deci-
sion of a French court. In the second
place, it is equally improbable that he
should have supposed me capable of as-
senting to a decision before it was given,
or afterward, without consulting my own
judgment as to its merits. M. Simon
would

would have justly felt indignant to know that such a thing was expected of him. And I feel sure that he is a gentleman of too much sense and too much principle to expect of another what he would not allow another to expect of him.

It is possible, however, that he only intended to say that I expressed myself satisfied with his having jurisdiction in the case, and confident that he would see justice done in it. For this his statement would doubtless have sufficient grounds. Altho' it was a matter by no means clear, whether the case should be tried in a French or an English court, it seemed to me a matter of little practical importance, since it was supposed that justice would be reached in either. Moreover, my personal acquaintance with M. Simon, tho' not extensive, had been such as to impress me with a strong conviction of his good sense and uprightness, and sincere desire to secure justice to all.

Under these circumstances, he doubtless had reason to suppose that I would respect the decisions of his court, and defer to them as far as I could reasonably be expected to defer to the decisions of any court
under

under like circumstances. Beyond this, he certainly had no grounds for expectation; nor do I see what more he could reasonably or possibly have expected. Such decisions are, of necessity always liable to criticism and remonstrance; nor should any public officer ask or expect immunity therefrom.

That M. Simon's decision in this case was one in which I could not concur, afforded me no ground to question his integrity; nor did it lessen him in the least in my esteem. On the other hand, my failing to concur in his decision, and consequently seeking to have it revised, was no cause of complaint on his part. His right to decide as he did, is readily conceded. It was equally my right to question his decision. And I am only surprised to learn that a different course should have been expected; and can explain it only by supposing that there has been some misunderstanding on the part of the French Minister of M. Simon's representations.

I have the honor to be

Sir,

Your Obedient Servant,

(signed) Edward C. Lord

U. S. Vice Consul

M = B 206



No. 122.

2 Enclosures.

Legation of the United States,
Peking, December 12th, 1866.

Sir:

I have the honor to inform you that on the 20th of November last, I had an interview with Prince Kiang at the Tsung li Yamen, of more than ordinary interest.

After the usual formalities and felicitations the Prince dismissed, with the exception of his official suite, his attendants, and proceeded in a disturbed manner to speak of his relations with foreigners. He said they were

Hon. William H. Seward,
Secretary of State.

were excellent with all but the French, but that with these, in spite of all he could do, they were not such as he desired. The causes of irritation were their claims on account of their missionaries, and the nature of a correspondence touching affairs in Corea. That the missionaries, not content to spread their faith, to which there was no objection, were political agents, and undertook to absolve their Chinese converts from obligations to their own government, and that they were supported in their pretensions by their diplomatic representatives at Peking.

That

That when he sought, on behalf of a kindred and once tributary people (the Koreans) to secure in the interests of peace an investigation into facts before proceeding to extremities, he had been charged with complicity with them, and his own people menaced with attack.

I replied as I had often done before, that I could not interfere between them and others, more than to proffer my good offices when they might serve to restore friendly relations. I urged the Prince strongly to instruct his officials in the Provinces to treat the missionaries with

with the utmost kindness, so as
to avoid all occasion for armed
intervention. I said to him that
my colleague M. Berthemy, the
French Minister now absent on
leave, had said to Sir Frederic
Bruce and myself that he did
not, nor did his Emperor, sus-
tain any such pretensions as
those mentioned by the Prince, on
the part of the missionaries; that
he had informed them that he
and the officials under him, alone
represented the political and di-
plomatic power of France, in
China; — and that I thought
with patience and caution, an
amicable solution of their difficul-
ties

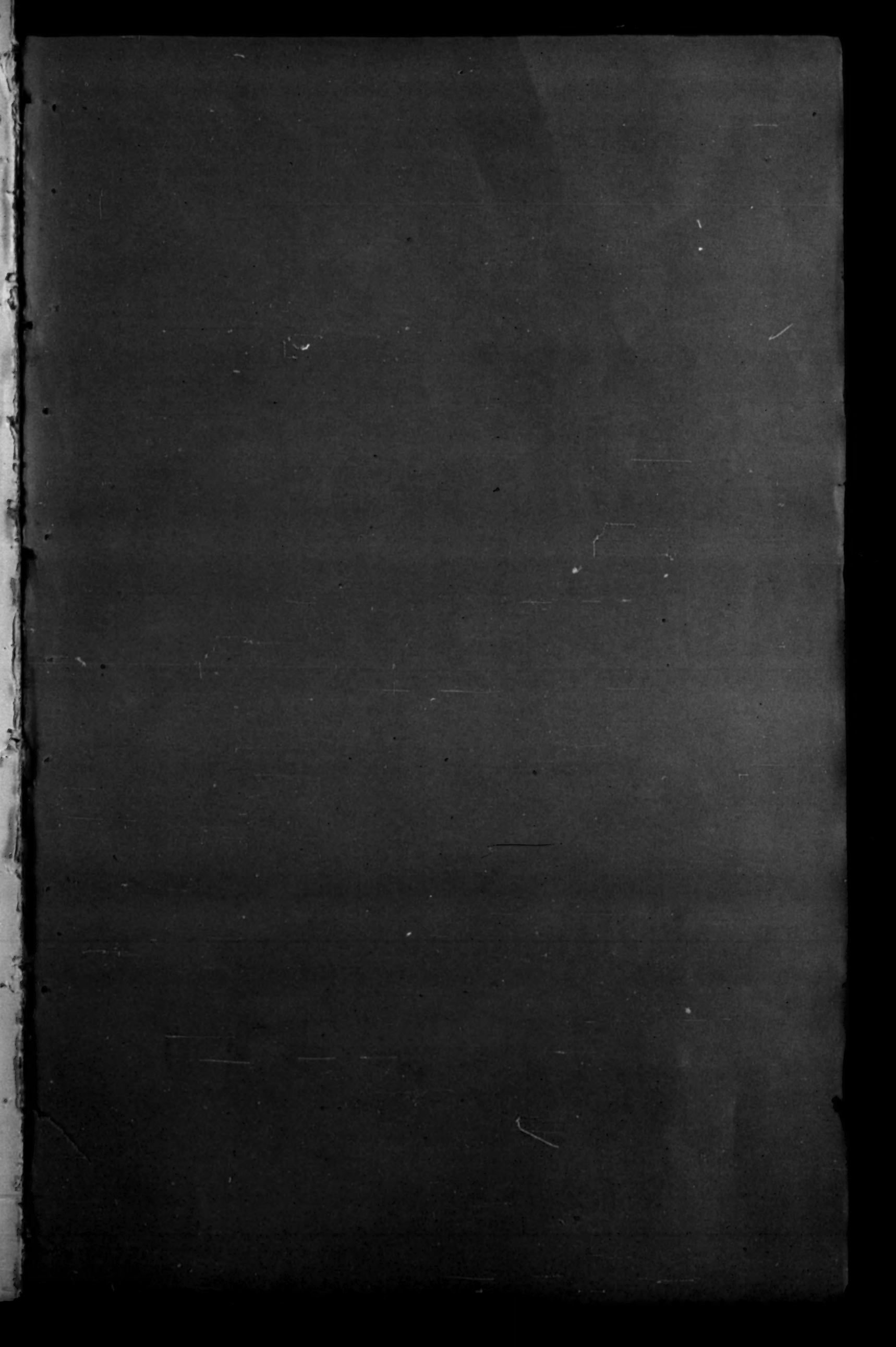
ties might be reached.

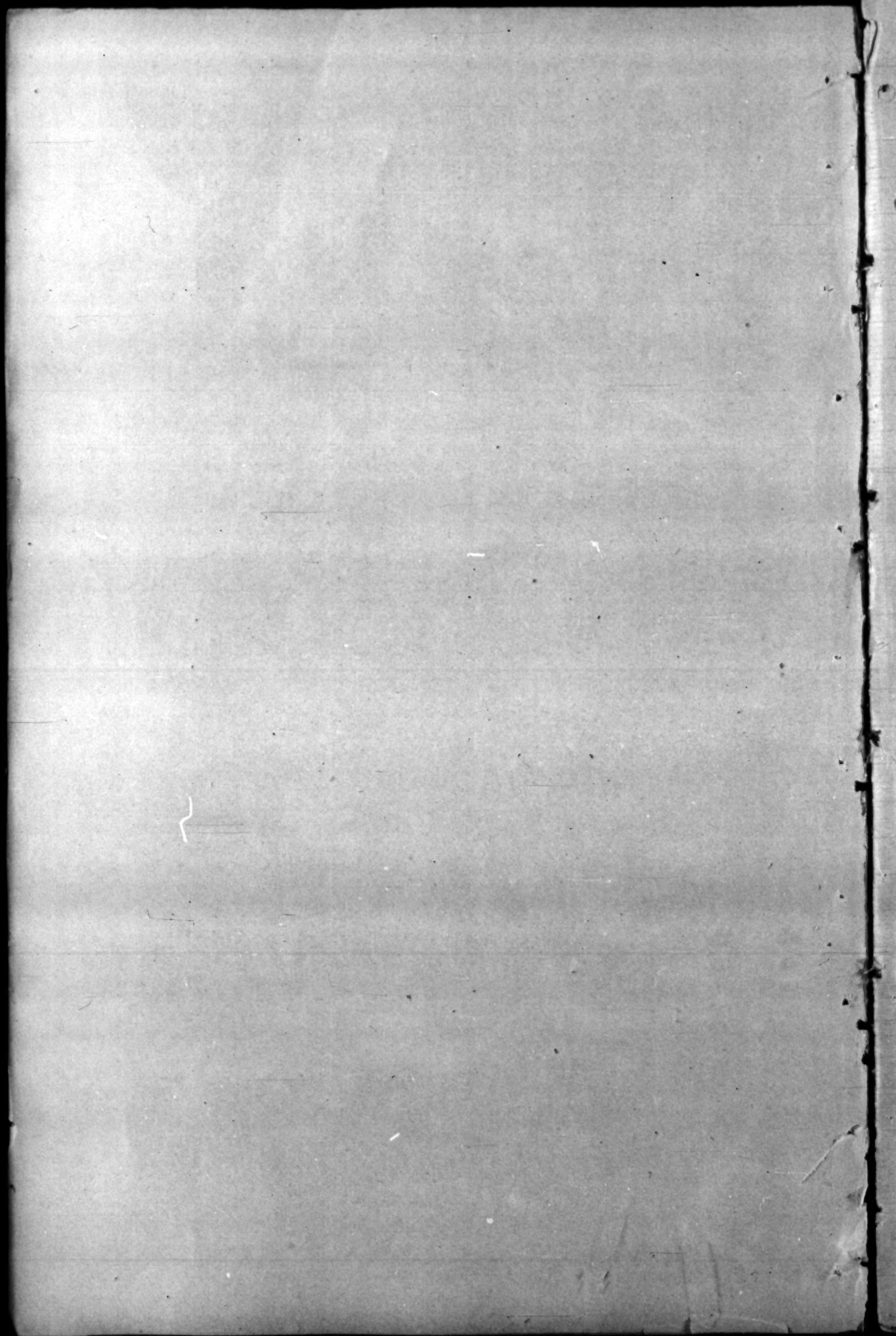
With regard to Corea I said that if the Prince had done no more than to proffer his friendly offices, I did not see that he had done more than his duty, and that if such action called forth menaces, he could rest strong in the consciousness of good intentions, and submit with confidence the correspondence to the impartial judgment of the civilized world.

That very evening the despatch marked A, covering a long correspondence with M. de Bellonet, French Chargé d'Affaires, was sent to each one of the foreign Legations,

Legations, and I submit it (with
the subsequent dispatches marked
B.) without one word of comment.

I have the honor to be, Sir,
Your obedient Servant,
Amos Burlingame.





— Communication from Prince Kung, Chief Secy. &c.

Prince Kung, chief Secretary of State for Foreign Affairs, herewith makes a Communication.

It is well known that since the ratification of the treaties between China and Western countries, I have endeavored, by a constant adherence to truth and good faith in every transaction connected with those countries, to maintain amicable relations with them. A serious quarrel having arisen last summer between the French and Koreans, M. de Bellouet, the French chargé d'affaires, addressed two communications to me respecting it. In my replies to them I endeavored to act as a mediator, and so to explain the points of the affair that there might not, after all, be any loss of life to either party. This laudable desire was my only motive. Much to my surprise, I have just received a dispatch from M. de Bellouet, in which he quotes the verbal statement of a Korean attendant, together with the gossip of market-places, for the truth of which there is not the shadow of evidence, and

and brings them up to cast suspicion on me. Seeing therefore that he does not meet my laudable desire [to prevent a collision] with the same spirit; but on the contrary throws out a suspicion that I am screening and excusing the Koreans, and even have other designs in view, I cannot but be exceedingly dissatisfied with him. He expressly states in his dispatch that he thus obtained these rumors, and yet to make from such unsupported rumors, charges implicating and upbraiding others, is certainly what I cannot assent to or see the justice of.

I have been on friendly relations with both these countries, and have deemed it best to copy the three dispatches of M. de Bellonet with their replies, and inclose them for your Excellency's information. From them you will no doubt see the merits of the case. Copies of the same are also sent to the other foreign ministers resident in Peking.

To H. E. Anson Burlingame
U. S. Minister to China.

November 21, 1866. (Tungchi. 5th year,
10th moon, 14th day)

Enclosures in Prince King's dispatch.

Correspondence between Prince King
and M. de Bellouet, French Chargé
d'Affaires, relative to the massa-
cre of French missionaries in Corea.

No. 1 M. de Bellouet to Prince King.

(Translation.)
from the French.

July 13th. 1866.

Sir:

I grieve to bring officially to the knowledge of H. M. a horrible outrage committed in the small kingdom of Corea, which formerly assumed the bonds of passage to the Chinese Empire but which this act of savage barbarity has forever separated from it.

In the course of the month of March last the two French bishops who were evangelizing Corea and with them nine missionaries, seven Korean priests, and a great multitude of Christians of both sexes and of every age, were massacred by order of the sovereign of that country.

The government of H. M. cannot permit so bloody an outrage, to be

H. P. H.

Prince King.

be unpunished. The same day on which the King of Corea laid his hands upon my unhappy countrymen was the last of his reign; he himself proclaimed its end which I in my turn solemnly declare to-day. In a few days our military forces are to march to the conquest of Corea, and the Emperor my august sovereign alone has now the right and the power to dispose according to his good pleasure of the country and of the vacant throne.

The Chinese government has declared to me many times that it has no authority or power over Corea, and it refused on this pretext to apply the treaties of Tientsin to that country, and give to our missionaries the passports which we have asked from it. We have taken note of these declarations, and we declare now, that we do not recognize any authority whatever of the Chinese government over the kingdom of Corea.

I have, etc.,
(Signed.) H. de Bellomet.

No. 2. Reply of Prince King to M. de Bellonet.

July 16th 1866.

Sir:

I had the honor yesterday to receive Y. E. dispatch, in which you inform me that the authorities of the kingdom of Corea had suddenly killed several French bishops and priests, together with a great number of native teachers and Christians, in consequence of which the French government had ordered the commander-in-chief to move his forces; and that, seeing that Corea is a dependency of China and sends tribute, it was proper that I should be informed of these things.

I may here observe, that as Corea is an out-of-the-way country lying in a secluded corner, and as is well known has always strictly maintained its own regulations. I am quite unaware what has led them to put these missionaries and Christians to death. Still, I am sensible of the friendly feelings which have led Y. E. thus to communicate to me the reasons for the
French
To M. de Bellonet.

French government in moving its
forces [against that country.]

Seeing however, that when two
countries come to war, it involves
the lives of their people as it will
in this case; and therefore I can-
not but endeavor to bring about
a solution of the difficulty be-
tween them. As the Koreans have
killed a number of the mission-
aries, it seems to me that it would
be best to inquire beforehand into
the proofs and merits of the affair
and ascertain what reasons
there were for this step, so that
if possible a resort to arms may
be avoided. I make this reply
for the purpose of suggesting
such a course to G. E. consider-
ation.

[I have, etc.,
Kung.]

No. 3. M. de Bellouet to Prince King.

(Translation
from the French.)

October 24th 1866.

Sir:

I have the honor to bring to the knowledge of Your Imperial Highness, the official notification of the blockade of the River Seoul and the West coast of Corea, by the naval forces of H.M. the Emperor of the French. I beg Your Imperial Highness to be pleased to give this document all the publicity possible, to the end that none may be ignorant of it, and that the interests of the Chinese who trade with Corea may be entirely safe.

H. J. H.

Prince King.

I have, etc.,

(Signed) Henri de Bellouet.

Enclosure translated from Chinese.

Rose, Rear-Admiral and Commander-in-chief of the French naval forces in the Chinese and Japanese seas, herewith issues a Notification to all concerned.

Whereas, the King of Corea in a spirit of inhuman barbarity, having seized and killed several French

French bishops and missionaries, together with many native Christians, male and female, old and young. I think that his numerous crimes cannot be suffered to pass with impunity. I have determined to proceed against him for his notorious crime, and shall take the forces under my command to attack and subdue his country. All ports and embouchures on the western shores of Corea leading to the capital, are immediately to be blockaded by the ships under my command, and the vessels of all other nations are for the present forbidden to resort there. If any of them attempt to violate this order and break the blockade, they will be dealt with according to the laws acknowledged among nations in such cases. A special Notice.

October 5th, 1860. - or
Tungchi, 5th Year, 8th moon.
27th day.

No. 4. Prince Kung to M. de Bellomet.

November 4th, 1866.

Sir:

On the 16th of July last, I had the honor of replying to your dispatch respecting the murder of missionaries and others by the Koreans, and suggested the desirableness and propriety of first inquiring into the circumstances attending the affair that hostilities might if possible be avoided; but up to the present time I have not been favored with an answer. I have, however, to acknowledge your dispatch of the 24th ult^o., in which you state as follows:—

"The Commander-in-chief of the French naval forces has sent me a notice of blockade, (of which a copy is enclosed) of all the ports and rivers leading to the capital of Corea on its western coast, by the ships of his squadron; and as he will soon attack that country, he has for the present forbidden the vessels of all other nations from going there," etc., etc.

Your dispatch and the notice
of
M. de Bellomet, &c., &c.

of blockade are entirely in accordance with the provisions of Art. XXXI of the Treaty. and I have no wish to discuss their purport. But when two countries resort to arms it involves the lives of their people; and as Corea is a very secluded country, lying away from others and keeping itself aloof by strict regulations, it ~~was~~ is not improper to inquire whether the French government has made any investigation into the circumstances connected with the Christians; and if not, whether such a mode is not desirable as a first step. There may not, after all, be an absolute necessity of a resort to hostilities, and thus human life on both sides will be preserved. On a review of the whole subject, I hope Y.E. will also see it in the same light.

[I have, etc.,
King.]

No. 5. M. de Bellomet to Prince King.

(Translation
from the French.)

November 11th, 1866.

Sir:

I regret greatly that Y. H. could not divine the reasons which constrained me to keep silence after the offers you made to me in your communication of the 16th of July last. Since you insist on returning to this subject, I believe that I ought to explain the motives of my conduct, begging you to ~~remember~~ be pleased to remember, that I have avoided as much as possible, making a communication so disagreeable to the Chinese government.

In the first place the massacre of the French missionaries is one of those unpardonable crimes which nothing can excuse. It is of no consequence therefore for us to know the reasons which led the Koreans to commit this execrable offense; the deed is done; it is sufficient for us to know that they have thereby rendered themselves culpable and may be punished

H. J. H.

Prince King.

for it in a signal manner; the ministers who gave the orders and the mandarins who executed them, by the loss of their heads and the confiscation of their property, which will be distributed among the families of their victims: the King who tolerated or commanded, or who even did not prevent the crime, by the loss of his throne and perhaps still more. I have already given the most precise instructions that the culpable mandarins whose names I have been able to procure, shall be tried and executed as soon as they fall into our hands. As for the fate of the ci-devant King of Corea, it is now subject to the decision of the Emperor my august sovereign.

In the second place I regret to be forced to declare to S. P. H., that the reports that have reached us these five months, and which have been sent to Paris, upon the events in Corea, give upon us very serious suspicions of complicity on the part of the Chinese government. It is affirmed by many that the Korean Embassy which came last winter, brought to Peking the project of the massacre, and carried back a tacit authorization, and

and the approbation of some members of the Chinese government. — The notice which was given us of the transit of the Korean mission through Liantung was received very lightly and considered as one of those popular rumors which need not put one on his guard; events have deceived our confidence. The equester which later surrounded the three Korean missions which came to Peking in the month of July; the sending to Corea of an ambassador publicly announced in the Gazette; the reports of the recruiting and mobilization of Tartar troops, which came to us from the other side of the Great Wall; this very eagerness to seek an excuse for the Koreans, rather than to show themselves horror-stricken at their crime, — all these things, contrary to usages which unhappily G. H. is not yet acquainted with, will without a doubt produce a painful impression in Europe. And will tend to cause the conduct of the Chinese government to be regarded with suspicion. As

As everyone has not the same reasons which I have, for believing in the sincerity and good-will of Y. P. H., it will be less strange that I should confess some anxiety for an enquiry to those very ones who might have an interest in not discovering the truth.

In the third place, we have been twice the dupes of an enquiry conducted by the Chinese authorities alone, and we shall not begin again. The dissimulation which was practised in Szichuen in regard to the affair at Chün-chia-chau, and that which still continues in suspense respecting the murder of Abbé Mabileau, have given us too severe lessons regarding the insolent manner in which the provincial authorities have abused our confiding fidelity, to prevent our forgetting it for a long time. - Y. P. H. ought not yourself to be ignorant of the manner in which many of the mandarins understand the

the duty of telling the truth to the Emperor, after the material proofs which I have lately presented to you, and you should understand that having already during many months these proofs in my hands, and only waiting for an occasion to make them known, it has been difficult for me to enter with lively interest into a new enquiry, which would without fail lead to the same results.

In the fourth place, Y. I. H. is probably ignorant that war, which for us is a pleasure, which the French passionately seek, is far from being detrimental to the people at large. We fight against and seek to destroy the government and its armies; we do it all the harm possible in its military and public establishments, as well as in the royal property; but we respect the property of the poor, and the people gain by our presence. Our armies do not live like the Chinese armies, by pillaging the countries they traverse, nor in maltreating the inhabitants; on the contrary our soldiers, well paid and well

well disciplined add to the riches
of the country by spending their
money, and very quickly gain the
friendship of the peaceable people.
That which Y. H. is perhaps also
ignorant of is that the people
of Corea far from being hostile,
far from defending a government
which oppresses them and reduces
them to misery, address us as
their deliverers. It was some of the
Coreans, and not the Christian Co-
reans, who furnished to the only
missionary who escaped the massa-
cre, the means of bringing us the
news; saying to him "go; seek the
foreigners and return with them."
They know that we do not make
war upon inoffensive people, —
that we are going to deliver them
from all the petty tyrants who
govern them, — that we are go-
ing to give them their liberty,
and riches by opening their
country to the commerce and
industry of all nations, — and
that we shall inaugurate the
reign of order, justice, and pros-
perity. And I tell Y. S. H., very
sincerely, we shall have on our
side most certainly all the people
who will aid instead of injuring
us,

us. and it is they who will deliver up to us the country, the authorities and the royal family, as soon as they see that they can do it without danger.

Finally, Y. I. H. will permit me to bring to your notice that the massacre of the French missionaries was an outrage against the government of the Emperor, and such an outrage it is evident, as cannot be discussed. Moreover I believe that this conspicuous punishment will be of great advantage to the Chinese government. It will lead the provincial authorities to reflect upon the inexpediency of listening too much to their personal prejudices, without taking into consideration the general interests of the Empire, nor the new ideas which foreigners bring forward, and which they are ready to support by arms, if they cannot otherwise cause them to be accepted. Our expedition in Korea will perhaps avert in China a military intervention which the conciliatory efforts of Y. I. H., would not probably prevent.

I ought in closing to bring to

to the notice of Y. I. H., that military operations once commenced, as they now are, I cannot stop them, before we shall have attained the end we have set for ourselves. Every attempt at conciliation will now be useless, unless the ci-devant King of Corea surrenders at discretion, and implors the mercy of ~~the~~ the Emperor our august sovereign, trusting to his generosity. It is for Y. I. H. to see if you can give this advice to the Korean government.

I have, etc.,
(Signed.) Henri de Bellonet.

No. 6. Prince Kung to M. de Bellouet.

[No date.]

Sir:

I have the honor to acknowledge receipt of Y. E. dispatch of the 11th inst., in which you intimate in general terms that it is the intention of the Emperor's government to screen and protect the Koreans - a most strange and surprising assertion! In my two former replies to your dispatches I simply observed that if the French and Koreans came to blows, both countries must necessarily suffer injury. There certainly was no desire on my part to become the arbiter or interfere [in the quarrel], but I could hardly do otherwise than urge the propriety of getting at a full explanation of the affair, and with the laudable desire of them by preserving the lives of people of both countries.

In the dispatch under reply, the story told by an official attendant of the Koreans, together with the gossip of market places, things for which there is not the shadow

M. de Bellouet

Chargé d'Affaires, &c.

shadow of evidence, are all at once brought forward to cast suspicion on me and obtain a sort of evidence by being put into words in your dispatch.

Seeing that my laudable desire [to promote peace], does not meet Your Excellency's views; but that on the contrary you make it a ground for suspecting me of other designs, I cannot but feel very highly dissatisfied.

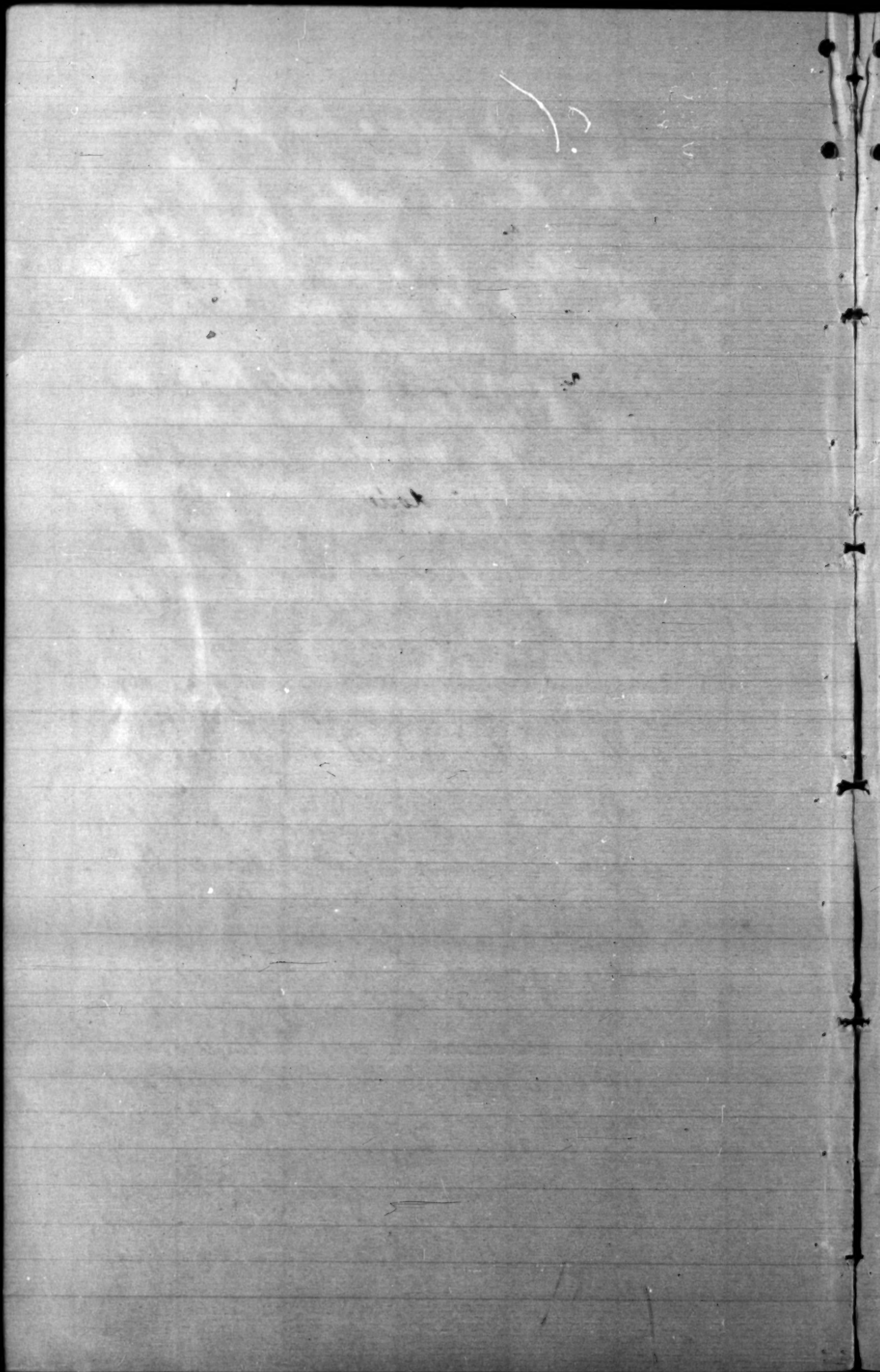
Your remark in your dispatch that the Koreans have sent officers to Peking, and that China has dispatched her agents to Corea; but this practice is of very long standing, and no recent thing.

The officers who came from thence and ours who went thither the present year came and went on affairs of ceremonial, and in accordance with long established usage; having no reference to the quarrel between France and Corea, they were not to be set aside or abrogated.

The remark which you make that China is preparing troops to take part in the conflict, is sufficiently answered by simply stating that if H. P. M. had decided to
Very

levy and prepare his forces, every-
body would have heard or seen it.
That there is nothing of the kind
intended is so plain that it is
needless to argue the point fur-
ther; but its insertion in your
dispatch indicates a design to
avail yourself of such talk, in
order to implicate and embarrass
others. - You mention whence these
rumors have come, and yet from
such unproven reports you pro-
ceed to argue as if they were
true: is such a procedure com-
patible with friendly relations
between nations? Seeing therefore
that my efforts in the interests
of peace do not at all meet
your views, but that you rather
make it an occasion of cal-
umny, no room is left for any
further discussion or arrangement
of the matter; but it seemed to
be incumbent on me, in view
of the friendly relations which
should be maintained between
our governments, to make a re-
ply to your present commun-
ication.

[I have, etc.,
Kung.]



No. 7. M. de Pellonet to the Foreign Office.

Peking, November 25, 1866.

(Translation.)

from the French)

I have already many times had occasion to say to Your Excellencies that your ignorance of diplomatic and international usages has caused you to take steps which have been wrongly interpreted in Europe. That which you have just done, in submitting our correspondence on the subject of Corea to the Representatives of Powers in Peking, comes in ^{make to} this category. I have certainly no objection to the Chinese Government's communicating my dispatches to my colleagues. This publication will be interpreted as a last effort in favor of Corea, and consequently will prove that I have not been wrong in writing what I have. But diplomatic usages demanded that in this case I should have been previously informed by the Chinese Government, and that a copy of the circular addressed to my colleagues, should have been sent to me. This has not been done, and I have a right to find fault. I therefore inform Y. E. that I submit your proceedings to the appreciation of His Majesty's Government, asking them if they do not think proper to

to demand satisfaction; and I confess that I do not exactly understand why, since the Chinese Government believe that I seek to find fault, it has given me so good an occasion to satisfy my desire.

Since my dispatches regarding Corea are made public, I send to Your Excellencies the official copies in French, required ~~by~~ the treaties, ^{with which} and I had thought it possible for me to dispense, on account of the departure of many of the employees of the Legation. I have sent the same to all my colleagues; and as it seems to me from the last dispatch of Prince Kung that the Chinese Government has comprehended neither the ideas which I expressed nor the sentiments which made me express them, I instruct Mr. Lemaire to explain each of my ideas to them, word for word.

I hope that this lesson will prove once for all to Y. E., the need of having European interpreters, by showing you the impossibility of speaking of political affairs while employing a language as imperfect as the Chinese.

(Signed) H. de Bellond.

No. 8. - Note from Foreign Office in reply
to M. de Bellonet, of Nov. 25th...

(Copy.)

[Translation]

[No date.]

Sir:

We have the honor to inform Y. E. that Mr. Lemaire, the interpreter of the French Legation, brought your note on the 25th of November, together with the original texts in French, of your several dispatches, of July 14th, October 24th, and November 10th, which you furnished to this office in accordance with Art. III of the [French] treaty. We have put them on file.

In regard to the quarrel between France and Corea, we may observe again, that China has shown neither a desire to be unjustly partial nor to constrain either party. From your previous dispatches in which you so hastily quoted certain rumors, and acted upon them as if authentic we could only infer after the most careful examination of their contents, that you wished to charge this government with the design
of
H. E. M. de Bellonet, &c., &c.

of screening and protecting Corea.
Being wholly unwilling to rest
quietly under this imputation,
H. J. H. Prince Kung, after his
last reply to you sent copies of
the entire correspondence to all
the foreign ministers resident
in Peking, in the hope thereby
of showing them his real pur-
pose, which is to ^{do} all that Chi-
na can do to preserve the peace
between those two countries. It
appears as if Y. E. did not entire-
ly appreciate our motive in do-
ing so; for in the note under
reply, you say "I certainly have
"no objection to make to the Chi-
"nese communicating my dispatch-
"es to my colleagues; but such a
"publication will be regarded in
"Europe in the light of a last ef-
"fort in favor of Corea, and con-
"sequently it will be thence in-
"ferred that I was not wrong
"in writing what I did."

In your former dispatch
you observed that China de-
signed to protect the Coreans, and
acknowledged that this assertion
was founded on a rumor; and
now in the present note you say
that this government is aiding
them.

them. This charge is certainly one of your own making, and yet you tell us plainly that you are asserting nothing which is unfounded.

It appears to us that you have altogether misapprehended the laudable desire of this government throughout, to preserve the peace between Corea and France. We have indeed not yet learned what the other foreign ministers say respecting the charge made against us, that we are aiding the Coreans; but on our part, we certainly are not inclined to admit such an unfounded aspersion. You said that these ministers all have a suspicion that China intends to protect the Coreans; and it was for the purpose of enabling them to judge for themselves whether your words were well-founded, or not, that we sent them the whole correspondence. We were desirous of avoiding a long discussion upon the point with you; and you yourself can but see that our only desire in doing so, was to clearly make known to them, our real intentions.

In sooth, if the allegations which G. E. had brought against
This

This government, had been kept quiet, and we had said nothing publicly in explanation of our views. it would surely have worked a great reproach to His Imperial Majesty's fame. It is a plain point and need not be here discussed whether such a step was likely to prove detrimental to you or not.

When H. I. H. urged you to send to Corea and have careful inquiries made first into the reasons why the Christians had been maltreated, and not immediately proceed to hostilities, it was done with the sincere desire to see if it was possible to bring about a clear understanding upon the affair; but as you delayed answering him for a long time, he deemed it only respectful to request a reply; the more so as your dispatch [announcing the blockade] intimated that hostilities would ere long commence, and that you had not then power to stop them. If you had sooner informed him that such was the case, there would of course have been no need of requesting a reply.

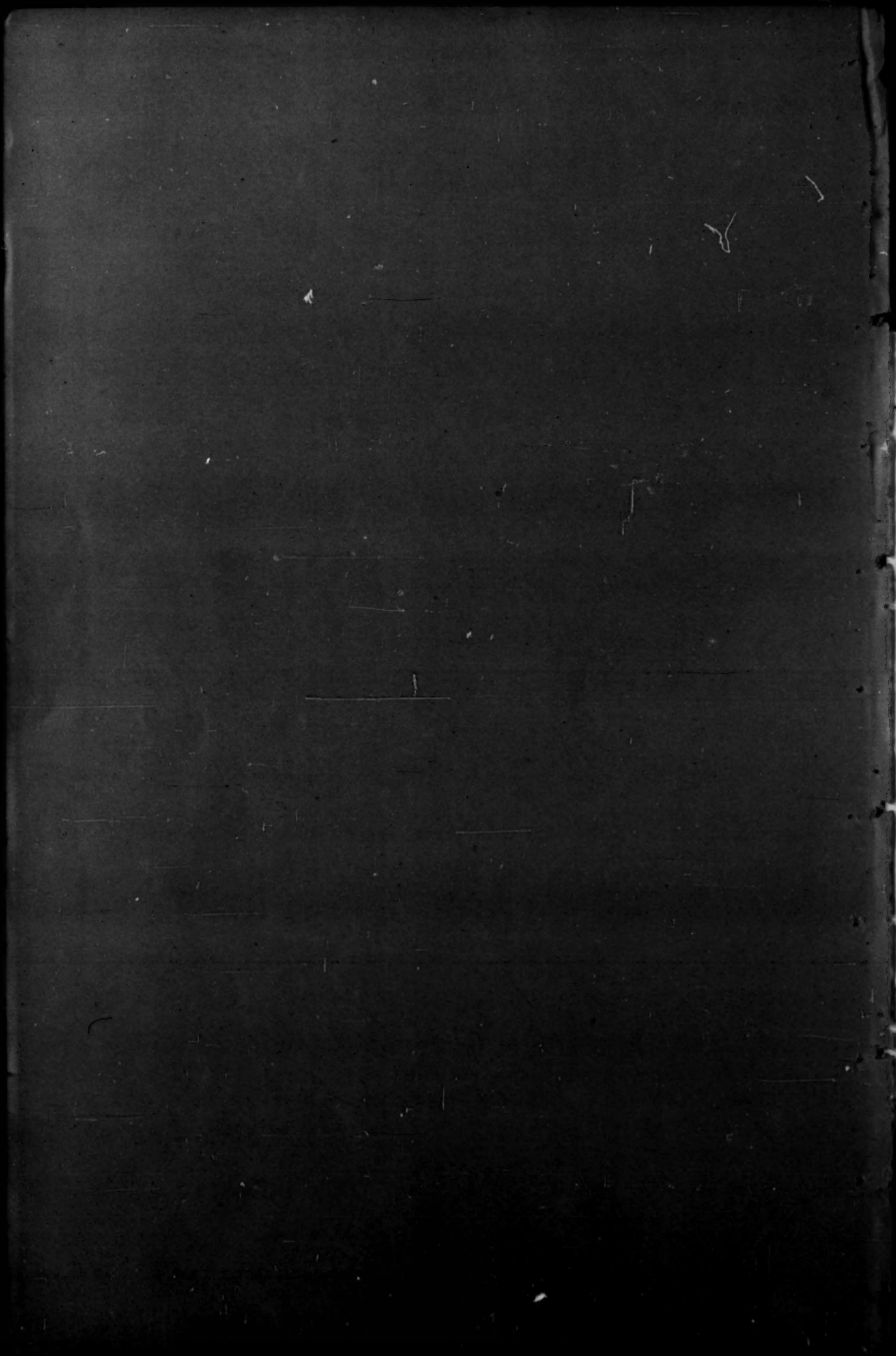
The original texts of your
three

three dispatches, (including that of November 10th), which you have sent to this office according to the provisions of the treaty, have all been clearly explained by the interpreter, Mr. Lemaire, and shown to be in accordance with their Chinese translations. He is well acquainted with the Chinese language and fully competent to manage and arrange to mutual satisfaction, such things as arise between us. The French text of your dispatch of the 10th of November, which he brought, has been placed with its translation; and so have the texts of those of the 14th of July, and 24th of October. It will be proper to communicate your present note and our reply, also, to the other ministers, as they relate to and explain the previous dispatches, and each of them can then clearly understand the merits of the case for himself. — In sending the copies to them of the first correspondence we did nothing which we were unwilling to have you know; but we did not consider ourselves required to let you know our intention to do so, and then forward them [as if by your leave]. As the present
note

note from Y. E. is to be understood only by reading ^{the} previous despatches, the reasons for furnishing others with copies of this reply and that note, are now fully stated for your information.

Availing ourselves of this occasion to wish you every happiness. [we inclose our cards

Wänsiang, and five others, members of the Foreign Office.].



Private



Dec. 12th 1866.

My dear Mr Seward

You will find the
Correspondence covered by
despatch No 122 quite
interesting. My colleagues
have sent the same to
their Governments with
to the end that they it
may be published at
once. This is what the
Prince King most desires.
It is thought that

The French Govt will
not be displeased
to see its too ambitious
agents feel the weight
of public opinion.

My colleague Mr
Berthemy, now in France,
is friendly to the Chinese.
Mr Belbonet is not -
he openly avows his
hostility and is sincere
in his desire to
make a rupture.

He is proud of ~~that~~
his part of the
correspondence and
proposes to be glad
that it is to go before
the world. I have
not made any com-
ments as I think,
they are ^{not} necessary.

The French admiral
was forced by the
Germans ^{with loss} to go away
from Berlin. He will

Return in the
Spring with mine
love.

With much
regard I remain
Yours truly

Amos B. Burlingame

Hon. Wm. H. Sumner
Secy. of State

Recd 18. Mar.

M. Pratt

ack'd 191

No. 123.

U. S. Legation, Peking.

December 15th, 1866.

Sir:

I have the honor to inform you that the French fleet of six vessels, and six hundred men, under the command of Admiral Rose, left Chefoo on the 11th of October for Corea, for the purpose of obtaining satisfaction for the murder of the French missionaries. It arrived on the 13th at the mouth of a river on which is situated Seoul, the Capital of Corea; ascending this to Kang-hoa, a city of twenty thousand inhabitants, on the

Hon. William H. Seward
Secretary of State.

the 14th the Admiral landed his force, and on the 15th and 16th captured the city without loss. Great preparations had been made by the Koreans to meet the French all along the river, but the French arriving before the completion of their works, they abandoned them ^{at first} without a struggle.

A deputation arrived from the Capital, twenty-six miles from Kang-hoa, complaining of the conduct of the missionaries, but ending with a request that the Admiral should go to the Capital, and discuss the affair in a friendly manner. The Admiral conceived this to be a ruse to entrap him,

him, and refused to go, but invited them in return to come to him.

In the meantime large forces began to gather about Kang-hoa.

On the 26th a reconnoissance was made with one hundred and fifty men near the river, along the road leading to the Capital. These, when near the landing on the river side, were fired upon, and two men were killed and twenty-five wounded.

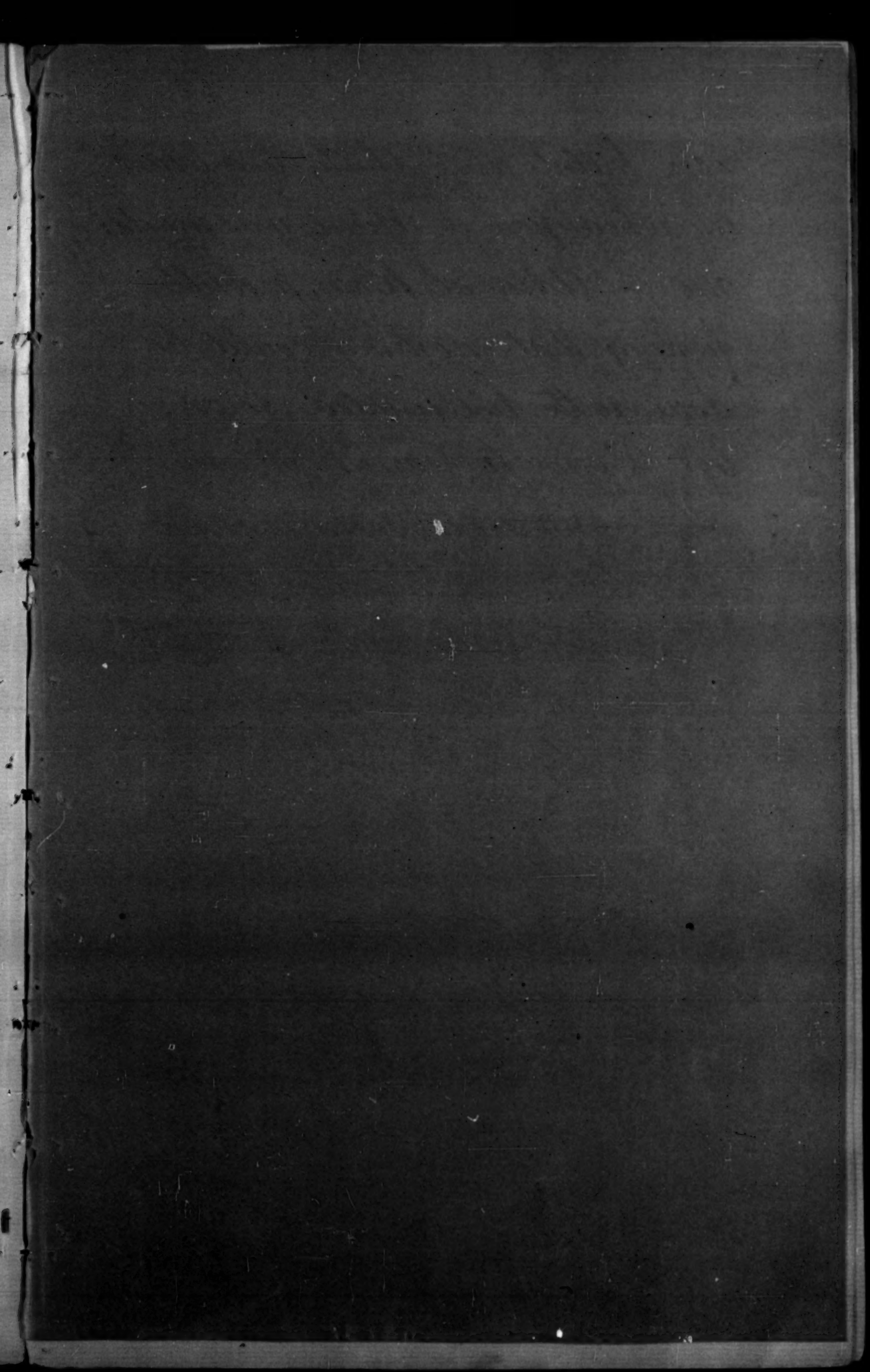
On the 27th another reconnoissance was made with one hundred and fifty men, who, upon nearing a Pagoda were fired upon by five hundred Koreans, and at the first volley three
were

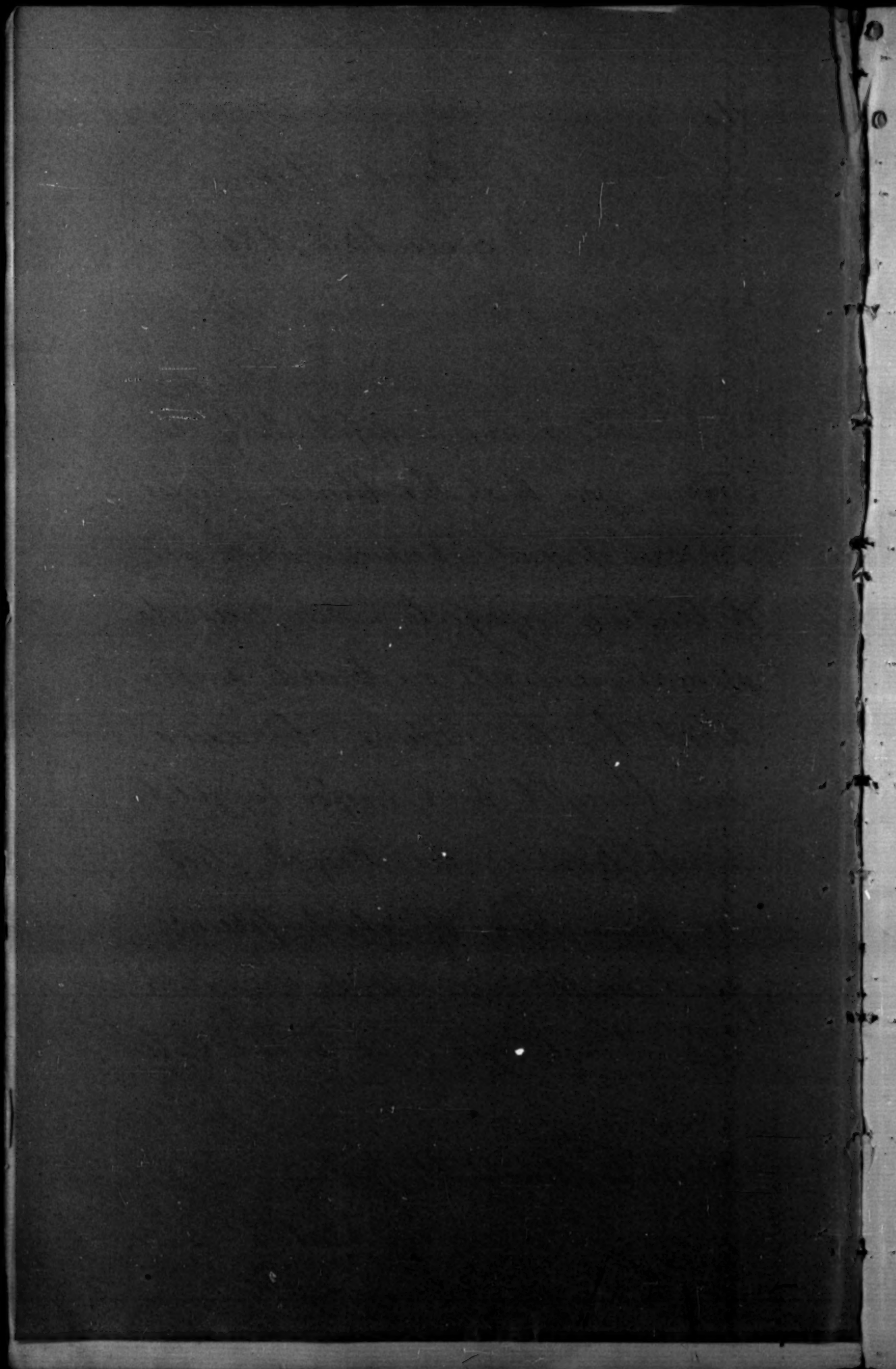
were killed and thirty-two wounded, whereupon a retreat was made; and Admiral Rose, probably finding that nothing could be done with his limited force, left Corea to recruit it, with which he cannot return until next Spring or Summer.

I have the honor to be, Sir

Your obedient Servant,

Auson Burlingame.





No. 124.
3 inclosures

ackd Per 18. Mar. Mr. Ball
ack by 191

U.S. Legation, Peking.

December 15th, 1866.

Sir:

It is my painful duty to inform you that the United States schooner "General Sherman" while on a trading voyage to Corea, was destroyed, and all on board murdered by the natives. The news was brought to Chefoo by Admiral Rose of the French fleet - the particulars of which please find in Mr. Sandford's dispatch, [A]. I refer you also to the letter
of

Hon. William H. Seward,

Secretary of State.

of Meadows & Co. [B], from which you will learn that the schooner was chartered and loaded by them, and for what purpose.

As Corea was formerly tributary to China, I brought the affair to the attention of Prince King, who at once disavowed all responsibility for the Koreans, and stated that the only connection between the two countries was one of ceremonial. I thereupon addressed the letter [C], to Admiral Bell, in which I limit myself to a suggestion as to what action should be taken.

As the French are seeking redress for the murder of their missionaries

missionaries, (for account of which see Mr. Williams' dispatch No. 37.) it may be that those on board the "General Sherman" were by the Koreans confounded with them; this seems the more probable, inasmuch as the crew of the "Sherman" were heavily armed. Recently an American crew under Capt. Mc Cardin (see Dr. Williams' dispatch No. 44,) wrecked in Corea, were treated with the utmost kindness. My Colleagues have written to their admirals and I suppose in the Spring there will be a large fleet in Corea. The issue of all will be the
the

the opening of the country. If my advice can have weight it will be that our presence there should rather restrain than promote aggression, and serve to limit action to such satisfaction only as great and civilized nations should under the circumstances have from the ignorant and the weak.

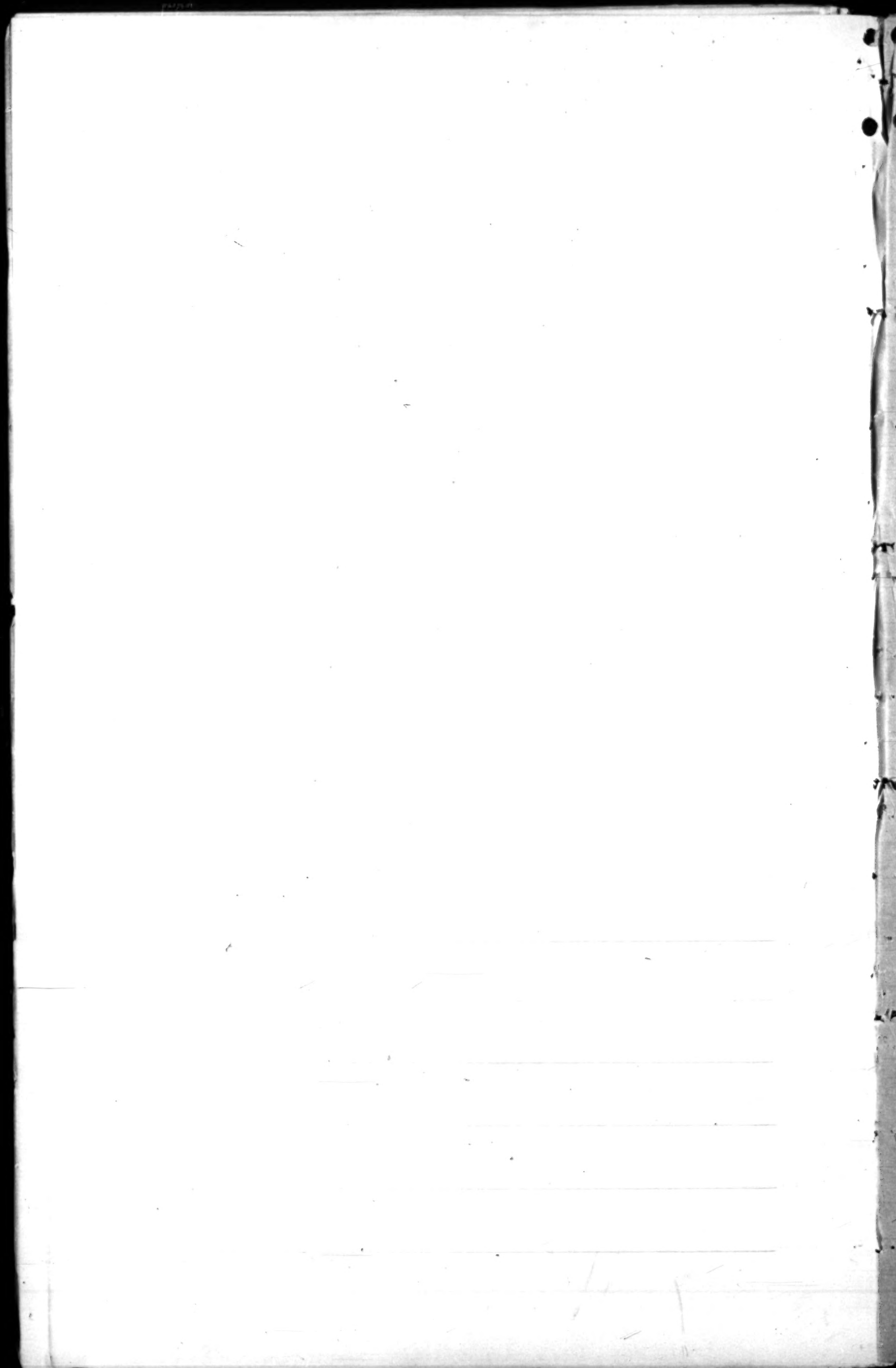
You have seen from my dispatch No. 122, what passions are aroused and to what their indulgence would lead. I am informed that the French Government does not contemplate an expedition against Corea; but after the virtual repulse of Admiral Rose, it

it will be impossible to avoid
it.

I have the honor to be, Sir,

Your obedient Servant

Arson Burlingame



(Copy)

A.

United States
Consulate, Chefoo, Oct. 30th
1866.

Sir,

I have the honor to inform you that the French fleet returned from Corea October 3^d, and on the 4th it was reported here that the American schooner "General Sherman" had been wrecked, and all on board murdered by the natives. I immediately wrote to the Admiral, requesting him to furnish me with what information he could, to which he replied

"In reply to the letter which you have done me the honor of writing, I can do no better than send you the exact copy of a note that was sent me by Revd P. Ridel, Apostolic Missionary. - On the 30th of September we were at anchor near Woody Island on the coast of Corea. During the night a Corean Boat with two natives on board, approached the Déroulide. Having recognized in one of them, one of the sailors who had accompanied me in the Spring on the voyage from Corea to

Hon. Anson Burlingame,

Minister of the United States,
Peking.

"to Chefoo, I succeeded in inducing
"them to come on board. Among
"other information, they told me
"that about the middle of the 7th
"moon (about the end of the month
"of August) a small vessel from
"the Country of the West, had appeared
"on the coast of Corea in the province
"of Phien-gan-so, which is in the
"extreme Northwest of the Kingdom.
"She was endeavoring to ascend the
"river, and to reach the city of
"Phien-giang, capital of this prov-
"ince, and had already arrived
"almost off this city, when she
"grounded on a sand-bank. The
"Governor at once sent to the
"King's father for instructions wheth-
"er he should put to death those
"on board, or should burn them
"and the vessel together. The King's
"father replied to burn the vessel
"and all on board. This barbarous
"order was executed. Such, Sir, is
"the only information bearing at
"all upon the matters to which you
"allude, that has reached me."

The "General Sherman" left
here on the 9th August; she called
for water, took Mr. George Hogarth
[British subject] as supercargo, and
Rev^d Mr. Thomas [British] as inter-
preter. The owner, W. B. Preston
[American]

[American] also went with them.
— Page Captain, — Wilson Chief Mate;
[both Americans]; the crew consisted of
from fifteen (15) to twenty (20) Ma-
lays and Chinese. Cargo, Cotton
Goods, Glass, Tin Plates, etc., etc. —
On October 7th, two Chinese junk
arrived from Corea, and made the
following reports respecting the
wreck and burning of a Foreign schoom-
er, — viz: — the Captain of one of them
was engaged by Mr. Thomas to pi-
lot the Schooner up the river Ping-
Yangso, as he was acquainted with
him previously; he yielded, and took
her up four tides! By this time
the alarm had spread amongst
the natives, they taking her for a
pirate, — and would not believe the
Pilot when he told them she was
a peaceful trader. (The "General
Sherman" was heavily armed.) All
trade was stopped and the natives
began to collect in large numbers,
when his friends on board the junk,
becoming alarmed, refused to allow
him to go any further, saying if
he was killed they would have no
face to return to Yuntai. He there-
fore left them opposite to little
Ping Yang so about half-way up
the river. They were still determined
to proceed; — this was about the
middle

middle of the 8th moon. You will notice here a disagreement between the date given by the French Missionary and this man. However, the other junk it seems, did not reach Corea. On its nearing the coast, a junk put off and warned them not to go in, as a Foreign Vessel had been wrecked opposite Ping Yang so, and the vessel with all hands burnt, - on which the junk returned to Yentai.

On the night of the 27th instant the two French Missionaries, who had been concealed in the mountains in Corea, reached this place. They state that a Foreign Vessel was wrecked opposite Ping Yang so; after some fighting between the natives and those on board the Schooner, the natives succeeded by strategy, in drawing the men on shore, when they were surrounded, and their hands tied behind their backs. They were then made to kneel down on the shore, and were decapitated. The missionaries report they were twenty, thus put to death.

I have the honor to be
Very Respectfully
Your obedient Servant
(Signed,) E. Sandford
U. S. Consul.

Dispatch 124
Enc. B. —

B.

(Copy)

Tientsin 27th October
1866.

To the Honble

Anson Burlingame, Esq.
United States Minister Plenipotentiary.

Sir:

We the undersigned British firm, beg leave to bring to Your Excellency notice the following circumstances, in order to obtain Y. E. assistance in getting redress.

During the latter half of July last the American schooner General Sherman arrived at this port and was consigned to our care by Mr. Preston the owner, who had come a passenger on the vessel for the sake of his health. After we had taken delivery of the inward cargo, Mr. Preston and we came to an arrangement that we should load her with a cargo of foreign merchandise and dispatch her to Corea with a supercargo to sell the goods there. We accordingly loaded her with foreign merchandise and on the 29th of July last she left Tientsin. Mr. Hogarth, one of our clerks who went as supercargo, left previously in the steamer Shaftesbury for Chefoo in order to have a pilot and shroff ready on the General Sherman arriving there, and

and thus save delay. On the schooner reaching Chefoo, Mr. Hogarth, accompanied by a Chinese pilot and a Cantonese shroff belonging to our firm, went on board: also Mr. Thomas, who, having expressed a wish to visit Corea again in order to extend his knowledge of the Korean language, went as passenger. From the day the vessel left Chefoo till now we have received no written advices from Mr. Hogarth or Mr. Preston, or in fact from any one on board when she left Chefoo.

On the 8th October current we received letters from the partners of our firm in Chefoo, acquainting us that the French Admiral's vessel had come to Chefoo from Corea with the news that the King of Corea had caused the General Sherman to be burnt with all on board, while proceeding up the Ping Yang River.

We immediately addressed Dr. Williams on the subject - copy of our letter herewith inclosed.

On the 20th October current we received further advices from our partner in Chefoo, informing us that he had seen a junk
captain

captain who had piloted the schooner for four tides up the Ping Yang River, when he left her and returned to the mouth of the river to his junk and finally to Chefoo. This man stated that the Koreans had told him their King was opposed to foreign intercourse with his country. We imagine that this man, who understands something of the Korean language, knows something more about the vessel than he is inclined to divulge, fearing, Chinese-like, to mix himself up in the matter, with the authorities to question him later on the points.

As the act of visiting Corea for the purposes of trade, was not an act which could, in the eyes of civilized Western nations, justify the Korean government in destroying those who committed it, we the undersigned have taken the liberty of addressing you for the purpose of bringing the above matters to Your Excellency's notice, with the request that you will be pleased to beg H. E. Admiral Bell to make enquiries regarding the destruction of

of the vessel and her people, and
take steps to cause the Korean
government to make redress, as
far as such, in the nature of
things, is practicable.

We have the honor to be, Sir,
Your Excellency's most obedient servants
(Signed) Meadows & Co.

P.S. We beg to inclose copy of our
letter to H.B.M.'s Consul Mr. Mon-
gan on the loss of the General
Sherman, and requesting the
British Admirals' assistance
in the matter; Mr. Hogarth and
Mr. Thomas being both British
subjects.

(Signed) M. & Co.

(Copy.)

Peking, Nov. 27th, 1866.

Sir:

I find that the Chinese Government disavows any responsibility for that of Corea and all jurisdiction over its people.

Consequently the occurrences there relating to the General Sherman are beyond my jurisdiction. It may however strengthen your hands to receive a suggestion from me, that, if consistent with your instructions, it may be well to send a vessel of war to enquire into the facts of the case, to the end that they may be reported to the Government for its instructions. Having great confidence in your discretion, I leave the matter in your hands, where it properly belongs.

I have the honor to be, Sir,
Your obedient Servant
(Signed) Anson Burlingame.

H. H. Bell

Acting Rear-Admiral
Commanding U. S. Asiatic Squadron.

~~Consul~~ ^{Area} Dec 18. Mon. M. Ball

No. 125

U. S. Legation, Peking.
December 18th, 1866.

Sir:

The enclosed revised Land Regulations for Shanghai, approved by my colleagues and myself after mature deliberation, are respectfully submitted for your sanction.

Their necessity and history are clearly set forth in the memorandum written by H. B. M. Chief Justice Sir Edmund Hornby.

The resolutions were considered and adopted by the Consuls of the various Nationalities at Shanghai, after many meetings with the

Hon. William H. Seward
Secretary of State.

the Land holders, and then submitted to us at Peking. Pending their discussion we were constantly in advisory relations with the Consuls. In fact the present expansion of the Regulations is the fruit of the co-operative policy adopted in 1863 (see dispatch 42) and the arrangements made under it.

You will find in dispatch No. 37 the principles established for these revised Regulations, as agreed upon by Sir Frederick Bruce, M. Berthemy, Mr. Balluzeck and myself, at the request of the Municipal Council of Shanghai, through their chairman Mr. Edward Cunningham.

The

The French prefer a separate municipality, which, considering their ideas of administration, may be best for all.

The citizens of the United States in China, I am happy to say, are not afraid to enter into any fair arrangements where there is an equality of chances, and results in municipal affairs at Shanghai have indicated their confidence in themselves.

Great praise is due to our Consul General Geo. F. Seward, and to H. B. M. Consul Mr. Winchester for their persistent efforts and perfect co-operation to secure the perfection and adoption of the Regulations.

Regulations.

I might by virtue of the power conferred upon me now give them force; but, with my Colleagues, I have thought it better to submit them for approval to our respective Governments, after which they may be put in force.

You are fortunate in having near you Sir Frederick Bruce, who is acquainted with this whole subject of the Regulations, and will, I am sure, be but too happy to consult with you in relation to them. May I request as speedy action as possible.

I have the honor to be, Sir,

Your obedient Servant,

Amos Burlingame.

Dispatch No. 125,
- Inclosure. -

REVISED LAND REGULATIONS

FOR THE

FOREIGN SETTLEMENT

OF

SHANGHAI.

APPROVED BY THE LAND RENTERS AT A SPECIAL MEETING, HELD
ON THE 9TH, 12TH, 13TH & 17TH MARCH, 1866.

Spencer M. 173

EXTRACT from the Minutes of a Special Meeting of Land Renters, held at H. B. M.'s Consulate, on Friday, the 9th, Monday, the 12th, Tuesday the 13th, and Saturday, the 17th March, 1866, to consider, discuss and amend the code of "Proposed Revised Land Regulations" for the Foreign Settlement of Shanghai prepared by the Committee appointed at the Meeting of Land Renters on the 15th April, 1865.

The CHAIRMAN, in thanking the meeting for their vote so far as he was personally concerned, said he had done much less than the judge, who had devoted a great deal of labour to the revision. He would ask them also not to forget the interest which had been shown by the U.S. Consul General. Mr. Seward had gone into the country that afternoon, but though he was not present personally his heart was with the meeting. It now only remained to arrange the alterations which had been made so that the whole regulations could be understood by the eye running over them. When that was done, it would be well that all the foreign Consuls should be requested to assemble, in order that they might be consulted regarding them. Especially, before sending them to Peking, he would wish to obtain the opinion of the Consul General for France. It was not possible for the two settlements to live under distinct regulations. As soon therefore as they were put into shape, he (the Chairman) would do his part by sending them on to the different Consuls.

Mr. PEARSON proposed.

That the Municipal Council be authorized to have the minutes of the meeting printed, together with the annexed Land Regulations and Bye Laws, and to forward copies of the same to the different foreign Consuls at Shanghai requesting their co-operation and support in obtaining the sanction of their respective Governments to the Bye-laws.

Mr. COWIE seconded this proposal, which was carried unanimously; and the meeting separated.

True extract,

CHARLES A. WINCHESTER,
H. B. M. Consul.
Shanghai, 18th March, 1866.

The following extract is published for general information :—

Minutes of the Proceedings of a Meeting of Renters of Land in the Hong-que Settlement, held at the Consulate of the United States, Shanghai, at 2 p.m. on the 21st September, 1863.

The Consul of the United States opened the Meeting by remarking that it had been convened to receive the reports of the Committees appointed at the previous meeting, and to enable the Land Renters to take such action as they might think necessary, in view of the state of the settlement. He would read to the Meeting the convention made by him for the settlement, with the local Chinese Authorities. It was of importance, as it was the only basis upon which the Municipal body which the Meeting might create, could claim any territorial powers.

An agreement between His Excellency Hwang, imperially appointed intendant of Circuit for the departments of Soo, Sung and Tao, and George F. Seward, Consul for the United States at Shanghai, concerning the boundaries of the Hong-que settlement, and certain matters pertaining to the Government thereof.

1st.—The boundaries shall be :—

The Soochow Creek from a point opposite the entrance of the defence canal to the Wangpoo.

Thence, at low water mark, to the mouth of the Creek entering the Wangpoo near the lower limit of the anchorage called Yang-tse-poo.

Westward, three li along the line of the creek :

Thence in a straight line to the point of beginning.

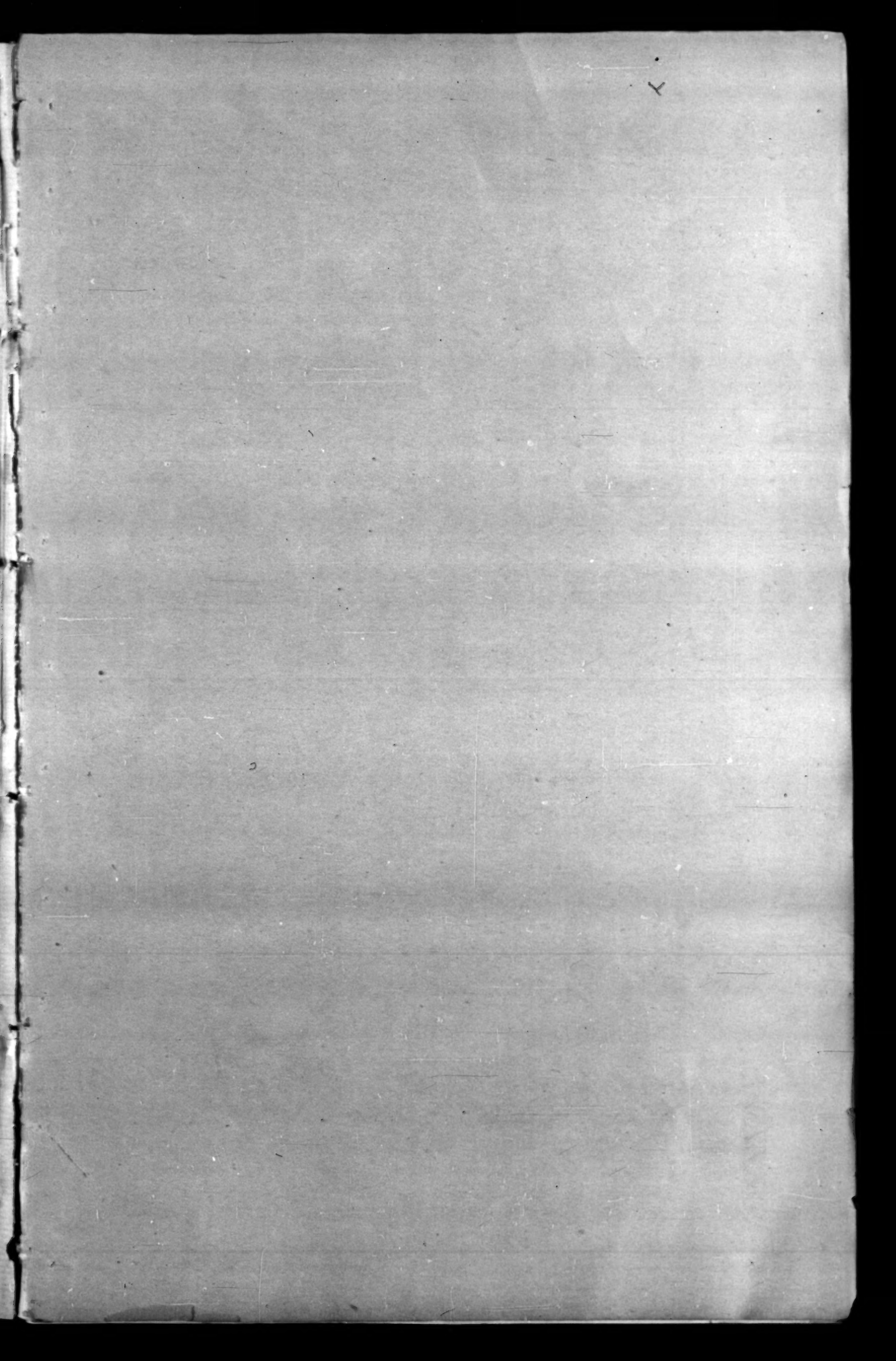
2nd.—Citizens or subjects of all nations may rent ground within the boundaries under the terms of Treaty stipulations.

3rd.—The right of jurisdiction of the Chinese Authorities over their subjects resident within the settlement, is acknowledged to be indefeasible, but no arrests may be made except on warrants stamped by the Municipal Authority.

5th.—The Municipal Authority may lay out roads and streets, and all land acquired subsequent to the date of this agreement shall be subject to the proviso expressed or understood, that the renter shall surrender the land required for roads to the public use.

In case it shall be deemed necessary or advisable to open roads while the land remains in the hands of Chinese, it is understood that the advantages so accruing will repay the native owners; but should any person be aggrieved in property by the opening of roads, they may represent the same to the Municipal Authority, which shall proceed to appoint assessors to estimate the damages, and the payment of the same if any, shall be obligatory on the public.

6th.—All Foreigners, subjects of non-treaty powers shall be liable to be dealt with in all things by the Municipal Authority, but any individual of this class may exempt himself from such jurisdiction, by filing in the Consulate of any Treaty Power a written instrument acknowledging himself to be subject in all respects to the jurisdiction of such Consulate, provided that the said Consulate be willing to accept such jurisdic-



tion, which shall be justified by the issue, in each instance, of a document declaring to the fact that the above named instrument in writing has been duly filed, and that the person is entitled to the protection of the Consulate.

7th.—The right of the Chinese Government and the Municipal Authority to tax Chinese residents within the boundaries of the Settlement, is mutually conceded under the following terms:—

The terms are as under:—

1st. The Toutai shall appoint two or three deputies who will assess the rentals with the Municipal Council, but the collection of the Tax shall be carried out by the latter. In case of disputes arising between the Chinese deputies and the Municipal Council, the Toutai, together with the English and American Consul, shall settle them.

2nd. Twenty per cent per annum shall be collected, one half of which shall be retained by the Consul for Municipal purposes, and the other half handed to the Toutai to meet the military expenditure.

3rd. The Municipal Council shall bear all their expenses, but the Toutai shall pay the Chinese deputies.

4th. Two sets of books shall be kept, one for the Council and one for the Toutai.

5th. It being agreed, now, that 20 per cent shall be levied on rentals, there shall be no further increase.

6th. The money collected shall be deposited in the Hae-quan Bank, whence the Toutai and Council shall draw as required.

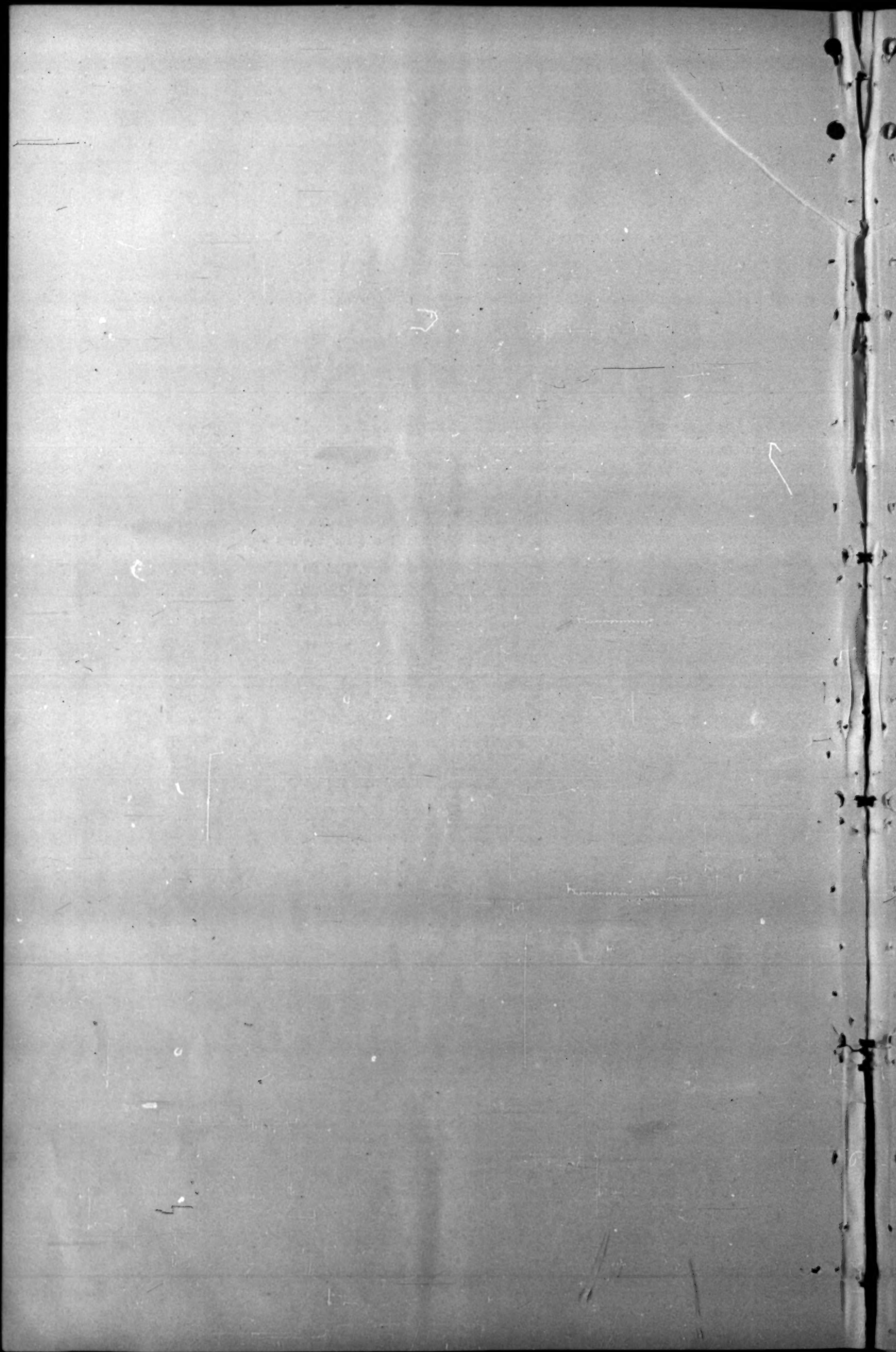
7th. This Tax on Rentals having been agreed on, the Toutai shall not impose a poll or similar tax within the limits of the settlement, nor shall any additional tax be made to existing ones.

8th. This tax on rentals shall cease as soon as peace is restored.

9th. The Tax shall be collected every three months commencing from the 1st July.

Done this twenty-fifth day of June, in the year of our Lord one thousand eight hundred and sixty-three.

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MEMORANDUM
ON THE SUGGESTED REVISED LAND RE-
GULATIONS AND BYE-LAWS.

A reference to the causes which have suggested a revision of the Land Regulations and the objects which it endeavours to attain, may perhaps be useful.

The original Land Regulations were framed under the authority vested in the Superintendent of Trade by an Order in Council of the 13th of June, 1853, and this Order in Council was passed under the authority conferred on Her Majesty by two Acts of Parliament i. e. the 5 and 6 Vict. ch. 80, and the 6 and 7 Vict. ch. 94.

So far as British subjects are concerned, every rule for their good government in China emanates under the above Order in Council, or rather now under the China and Japan Order, 1865, from the Superintendent of Trade. He alone can make Laws for the purpose of ensuring such good government, and no rules are binding on British subjects in China except such as he has directly imposed or sanctioned.

For the purposes of this Memorandum it must be assumed that the Representatives of France and the United States of America acted under some similar authority conferred upon them by their respective Governments, for independently of the fact that they were parties to the Land Regulations, it must be presumed that the Governments of these two countries, and indeed the Governments of other countries having trading relations with and establishments in China, have not neglected to provide for the good government of their subjects resident in, or resorting to China.

The source of the authority under which the Land Regulations were framed being clear, the next point to ascertain is, whether at the present moment they are sufficient to provide for the good government of the settlement. If they are not, the same authority that sanctioned them, can sanction others more applicable and better adapted to the purpose.

By the tenth Section of the Land Regulations the British Superintendent of Trade and the Representatives of France and the United States of America (these three countries being then the only three Powers having treaties with China) made provision "for the making of Roads, building Public Jet-ties and Bridges, and keeping them in repair, cleansing, lighting and draining the Settlement generally—and establishing a Watch or Police force;"—these being then the most obvious pressing wants of the Community.

They also empowered the Foreign Consuls to call annually a Meeting of the Land Renters to devise means of raising the necessary funds for these purposes, giving to the Land Renters permission to declare an assessment on Land and Buildings and to affix Dues, which for want of a better name were called "Wharfage Dues," on all goods landed at any place within the limits, and they also empowered the same Body to appoint a Committee to levy the rates and dues, to apply the funds, and to sue defaulters.

It will be seen then, that under this Section, the chief objects of Municipal Government were intended to be provided for, and in the calling together of the Land Renters, to declare an assessment and impose dues, and the appointment of an Executive Committee to levy and apply the funds raised, the essential forms of Municipal government were adhered to.

The Land Renters were to devise means for raising funds for the purposes of building Roads, Jetties and Bridges and keeping them in repair; for providing for the health of the Settlement; and for the security of life and property within it, and a Committee of them was to take on itself the task of collecting the taxes and enforcing payment from Defaulters, and of applying them when collected.

In other words, that which the Crown in England confers on bodies of individuals by Charters of Incorporation for Municipal purposes, the British Superintendent of Trade and the Ministers of France and the United States, conferred, within certain limits, on the Foreign Land Renters of Shanghai by these Land Regulations.

Time and experience now show that these Regulations do not provide sufficiently for the good government of the Settlement. More funds are required than can justly be raised by an assessment on Land and buildings, and by the imposition of mere Wharfage dues on the goods landed within the limits.

No departure, however, from the original Rules is asked.

The "purposes" mentioned in the Section referred to, have extended themselves—that is to say—a greater number of Roads, Jetties and Bridges are required, more funds are necessary to maintain and repair them, and more efficient and extensive means of cleansing, lighting and draining the Settlement—in other words, providing for the health of the Settlement—are absolutely necessary. The natural increase of the Settlement in population and extent, not only necessitates all these additional means, but also necessitates more efficient means of providing for the security of Life and Property within it: and the Land Renters are simply acting in conformity with the object which induced the British Superintendent of Trade and the Ministers of France and the United States to direct the Consuls to convene an annual meeting of them, when they *do* devise additional means of raising funds for the extended "purposes" mentioned in the tenth Section.

If the authority of the British Superintendent of Trade, and of the French and American Ministers, was sufficient to provide for the making of one Road and Jetty, for cleansing, lighting and draining, and for establishing a Police force to watch one-tenth of the settlement, it is clear that the same authority is sufficient to make further provisions of the same nature when imperatively demanded by the increase of the population.

In the same way, the authority that convened an annual meeting of Land Renters to raise funds sufficient for the then purposes can convene them in order to raise funds for present purposes; and the same authority that could pro-

perly raise one tax can also raise others, provided that the "purposes" for which the funds are required, as well as the application of the funds themselves, are within the scope of the Authority which is only limited by the provision to provide for the "peace, order and good government of the Foreign Residents within the Settlement."

It has then to be seen whether the suggested Revised Land Regulations are anything more than an extension of the old Regulations, whether they have any different source from those framed in 1854, and whether they assume or confer any rights or any powers inconsistent with the limit imposed of providing for the "peace, order and good government of Foreigners within the settlement."

It may here be mentioned that the Chief Judge of Her Majesty's Supreme Court, in his judgment in the case of "Keswick and others v. C. Wills and another," alluded expressly to the wide significance and meaning to be attached to the words "Peace, order, and good government," and to the power and authority they conferred, illustrating their interpretation by that which has been given to them in Colonial Charters under which Laws have been enacted, taxes levied, and a variety of other useful and necessary measures of government provided.

If it be true that these words do possess the value attributed to them, then it is clear that the moment the necessity is demonstrated for further provision being made for the good government of the Settlement, the authority that made the Old Regulations can make the New.

The scheme of Revised Land Regulations contemplates simply the provision of an authority to be derived directly from the Representatives of the Powers having Treaties with the Emperor of China, to which the assent of the Imperial Commissioner through a Diplomatic medium should be obtained.

It does not seek to invest either the Rate-payers or the Executive Council to be elected by them, with any original or self-emanating Powers. It distinctly records in the Preamble the source of the Power prayed for, and all the Rate-payers and their Executive Council seek for, is the continuance of the delegated Power of self-government originally conferred on them.

It is the anxiety of the Land Renters to avoid even a suspicion of a desire to arrogate for themselves or for others, who shall in future act with them, powers or authority which their position on a Foreign soil does not entitle them to claim, that has induced them to retain the old form of the Land Regulations in preference to framing a scheme of Municipal Government more artistic and complete in form. They have willingly abandoned the idea of asking for a Charter of Incorporation, in which the source and extent of the powers vested in them should appear clothed in legal phraseology and in that completeness of form which should characterize every perfect system of self-government, for the less artificial form in which the Revised Land Regulations are now submitted for approval and sanc-

tion. In so doing, they desire to afford evidence of the spirit in which the revision has been made, and of the sole object in view—namely providing for the peace, order and good government of the Settlement, under the authority of the Diplomatic and Consular authorities of the various Foreigners residing within it—they themselves acting, not by virtue of any assumed or original Power, but simply as Delegates of these Officials.

In submitting, then, these revised Resolutions for the approbation and consent of the Ministers of the Powers having Treaties with China, and for that of the Imperial Commissioners, the Land Renters desire that it should be borne in mind that the cost of defraying the expenses of the Government of the Settlement is borne exclusively by the Residents within it, and by duties levied on goods which are landed or shipped within its limits—either the national authorities of the Foreign Residents or the local authorities of the Chinese Residents, contributing one farthing towards the Budget of expenses; and not only is this true, but the Residents within the Settlement, by providing and paying for a Police force sufficient for the security of life and property, are on the one hand performing an obligation which the Government of China has by treaty taken upon itself, but which it is powerless to fulfil, and, on the other, obviating the necessity of Foreign Governments incurring the odium and cost of insisting on the performance of an obligation on the part of those who have solemnly undertaken a task beyond their powers of performance.

It will be seen also, that throughout the scheme no attempt has been made to interfere with, still less to diminish the authority of the different Consuls over their countrymen. The whole Executive or rather co-executive power, remains where it has been since the opening of the port, in the hands of the Consular authorities, and they alone in all cases of fine or imprisonment, can enforce the performance of the rules, or punish their infraction. In short, the principle which pervades the whole Land Regulations as revised, as well as the Bye-Laws annexed to them, may be briefly described as a delegation by those to whom the Mission of providing for the peace, order and good government of the settlement is confided, of so much of their authority as consists in the provision and application of the funds necessary for the purpose, to those persons from whose pockets the money comes, and who are most nearly interested in its economical and efficient application.

On this principle also a variety of provisions, which, under a more perfect system would have naturally formed part of the Regulations themselves, have been thrown into the form of Bye-Laws, which can be altered or varied without it being necessary on every occasion to amend the Regulations themselves.

It would have been easy to have framed a general clause under which most of these Bye-Laws might have been included, but it was deemed more

advisable to be explicit, and to leave as little as possible to inference, thus substituting specific for general powers.

Only one other point remains, to which it may be as well to advert.

In what way do the Revised Land Regulations affect the Chinese and Foreigners?

The same argument which demonstrated the identity in principle of the Revised Regulations with those passed in 1854, and which established that they are but an extension to meet the wants occasioned by the increase of the Settlement, is applicable to show that they are not more prejudicial to the interest of either Chinese or Foreigners than those which received the sanction of the three Foreign Ministers and of the Imperial Commissioner.

Indeed the Provisional Clause, Section 14, of the old Regulations, which provides for the issuing of further Rules, shows distinctly that all the parties to them contemplated the extension which has now become necessary; and it would not only be too late now but most unfair for either Chinese or Foreigners to take advantage of the present suggested Revised Regulations, to object to the Principle involved in the old Regulations, and to which all parties then assented.

It is not to be supposed that those Foreign Governments which in 1854 had not Treaties with China, and who from their not being there represented, did not sign the Land Regulations passed in that year, would now repudiate on the part of their Subjects who are or may become resident in the Settlement, their liability to contribute their quota to its Revenue, or to conform themselves to the Rules which have been framed for, and upon which depends, its good government. Such a supposition would be a reflection on the good faith of Foreign Governments, and be a slur on those of their subjects who have acquired Land or have become resident within the settlement, and participated in all the advantages which the system of self-government sanctioned by the Regulations, has produced. Having voluntarily domiciled themselves in a place where certain Laws and Regulations prevailed, they are upon every principle of equity, and what may be not inaptly termed Comity, bound to conform themselves to them.

Indeed as a matter of strict Law, the Land Regulations embody in themselves the terms upon which the Emperor of China, being the Lord of the soil, has admitted Foreigners—at that time limited in strictness to the nationalities of the three Treaty Powers—to reside on the Land set apart for their use; and all other Foreigners who with the sanction of their Governments,—as evidenced by the appointments of Consular officers to look after their interests,—have located themselves in the Settlement, have by the fact of their residence bound themselves to conform to those terms, in the same manner as the Subjects of the three Treaty Powers conform to them.

The advantages conferred on all future treaty Powers by what is commonly known in Diplomatic language as the "most favoured nation clause," and

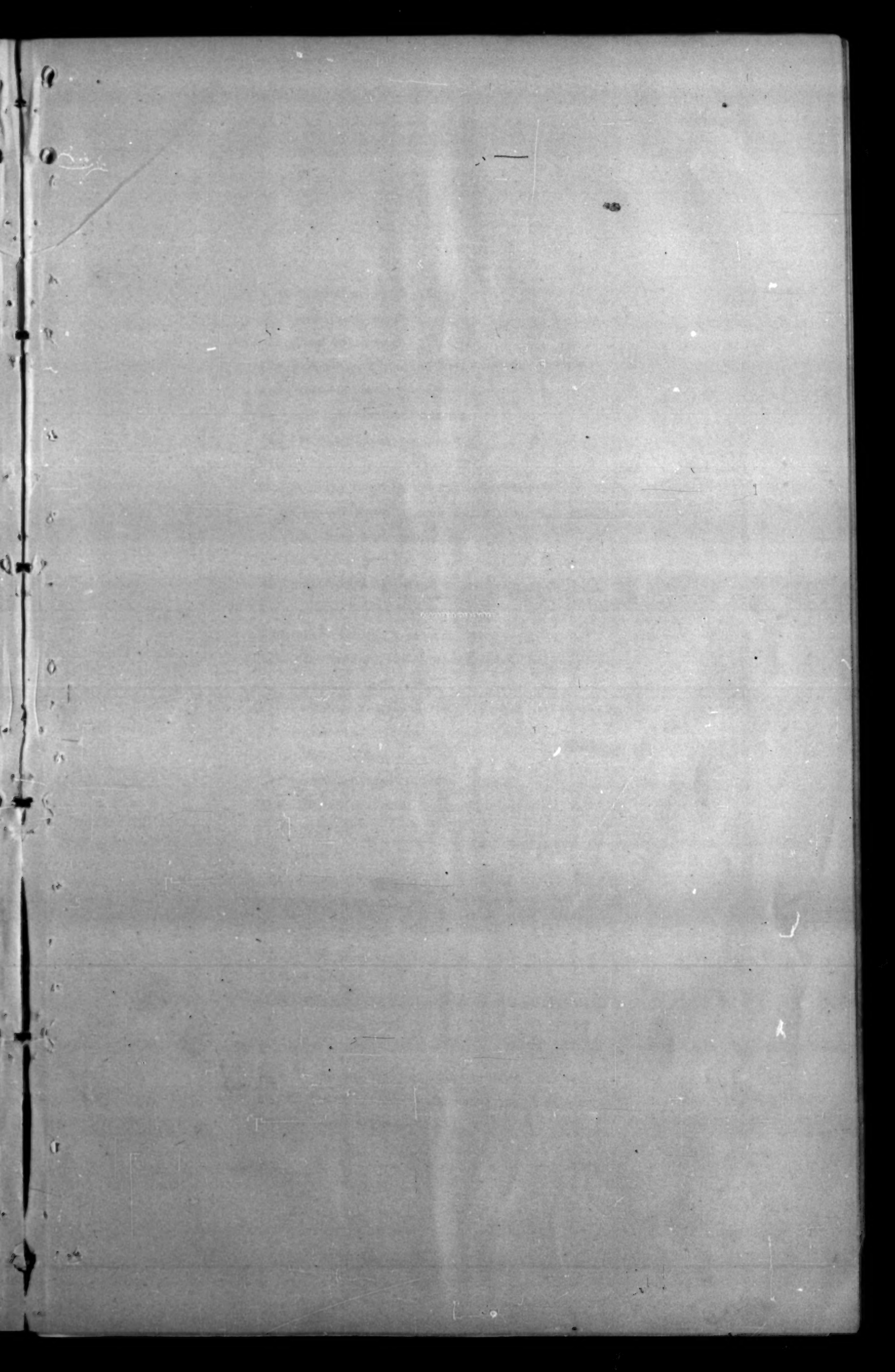
under which Foreign nations have actually availed themselves of the privilege of trading and residence, carry with them also the obligations which the original Treaty Powers themselves incurred, amongst the most important of which was the implied undertaking, in exchange for the privilege of exclusive jurisdiction, to make due provision by necessary laws and regulations for the good government on Chinese soil of foreign residents.

By most, if indeed not by all, systems of laws the obligations incurred by treaties form part of the Municipal Law of all countries, and it is thus—even where express enactments are wanting,—that the foreign Consular authorities in China have power and jurisdiction over their countrymen in this country; power to consider the Laws and Regulations existing on the spot where their nationalists reside as binding on them by the fact of their residence, and jurisdiction to enforce their observance.

JAMES HOGG,
Chairman.

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| H. W. DENT. | } <i>Members of Committee.</i> |
| T. HANBURY. | |
| W. KESWICK. | |
| WM. PROBST. | |
| GEO. TYSON. | |

Shanghai, 22nd January, 1866.



LAND REGULATIONS.

- I.—Boundaries and Limits defined.
- II.—Mode of acquiring Land.
- III.—Final Settlement and Title Deeds.
- IV.—Registration of Land and charges thereon.
- V.—Transfer of Lots.
- VI.—Land surrendered to Public use.
- VII.—Boundary stones to be placed.
- VIII.—Chinese Government Land-Tax.
- IX.—Road and Jetties, Assessment on Land and Houses—Rates—
Dues—and Taxes. Consuls to convene meetings of Renters—
and other persons entitled to vote.
- X.—Land Renters and others, &c. to appoint Committee or Council.
- XI.—Committee or Council to have power to make Bye-Laws.
- XII.—Accounts how to be audited.
- XIII.—Defaulters how to be sued.
- XIV.—How Penalties, Forfeitures on Licenses, Fees, &c. under Bye-
Laws are to be recovered.
- XV.—Consuls may at any time call meeting of Land Renters &c.
- XVI.—Cemeteries for Foreigners, Chinese Graves, &c.
- XVII.—Breach of Regulations.
- XVIII.—Nomination and voting for Council.
- XIX.—Election of Council, and qualifications of voters at Public
Meetings.
- XX.—Vacancies.
- XXI.—Tenure of Office.
- XXII.—Questions and Quorum.
- XXIII.—Committees appointed by Council.
- XXIV.—Officers.
- XXV.—Funds.
- XXVI.—Persons acting in execution of these Regulations not to be
personally liable.
- XXVII.—
- XXVIII.—Alterations in Regulations hereafter.
- XXIX.—That Land Renters and Rate Payers shall be taken to
mean "Electors."

LAND REGULATIONS.

PREAMBLE.

WHEREAS certain Regulations, entitled Land Municipal Regulations, for the peace, good order and government of all persons residing on the land set apart by the Chinese authorities for the residence of Foreigners, were settled and agreed upon by the Representatives of England, France, and the United States of America, then being the three Treaty powers, and under their instruction by the Consuls of the above mentioned States, in communication with His Excellency Woo, the chief local authority representing the Chinese Government at Shanghai; and whereas it was therein provided that, hereafter, should any corrections be requisite in the aforesaid regulations, or should it be necessary to determine on further rules, or should doubts arise as to the construction of, or powers conferred thereby, the same should be consulted upon and settled by the Foreign Consuls and Intendant of Circuit in communication together, who should equitably decide thereon, and submit the same for confirmation to the Representatives of their respective countries in China, and to the Chinese Imperial Commissioner, managing the affairs at the five ports. AND WHEREAS it is expedient that the said Regulations should be revised, and that further and better provision should be made for the peace, good order and government of all persons residing on the Land so set apart as aforesaid; be it ordered that the following revised Regulations which have been agreed to and settled by the undersigned Consuls in communication with His Excellency the Intendant of Circuit, and the Bye-Laws annexed thereto, shall have effect and be binding upon all persons residing or being within the limits of the said Land so set apart, as to all matters and things comprised therein from and after the expiration of one month after the same shall have been affixed and kept exhibited at the offices of the various Foreign Consulates.

Given under our respective hands and seals of office, at Peking, China, this ——— day of ——— 186 .

REGULATIONS.

I.

Boundaries and Limits defined.

The boundaries of the land to which these regulations apply, are :

1st ; those defined in the Land Regulations settled and agreed upon by Captain Palfour, H. B. M.'s Consul, and Kung-Moo-Ken, Intendant of Circuit, on 24th day of September, 1846; and further defined in the agreement entered into between Rutherford Alcock, Esq., H. B. M.'s Consul, and Lin, Intendant of Circuit, on the 27th day of November, 1846, and set forth in the copy hereunto annexed of the original map attached to the said agreement.

2nd ; those described in a proclamation issued by Lin, Taoutae, bearing date the 6th day of April, 1849, in consequence of an arrangement entered into between His Excellency on the one part, and M. de Montigny, the Consul of France, on the other part, for the assignment of a space within which French subjects should be at liberty to acquire land and build residences, &c.—an arrangement subsequently approved and confirmed by the Minister of France, M. de Forth-Rouen, and the Imperial Commissioner, Sen; such boundaries being as follows :—To the South, the canal which extends round the walls of the city from the North-gate ; to the North, the Yang-King-Pang ; to the West, the Temple of Kwan-te and the bridge of the family Chow ; to the East, the river Hwang-poo from the Hai-Kwan or Canton Consol-house to the mouth of the Yang-King-Pang.

Hongque

And 3rd ; on the ~~side~~ side ;—North, the line from Yang-tze-poo to the point opposite the Defence Creek ; South the Hwang-poo from the mouth of the Soochow Creek to the mouth of the Creek entering the Hwang-poo near the lower limit of the Anchorage, called the Yang-tze-poo ; West, the Soochow Creek from a point opposite the entrance of the Defence Creek to the Hwang-poo ; East the bank three li along the line of the Yang-tze-poo.

Within the boundaries defined in the map above referred to under the first head are certain sites, namely, the New Custom-house, and the Temple of Rewards, together with the land set apart for the use of H. B. M.'s Government, known as the British Consulate site, which are exempted from Municipal control, as well as any land hereafter to be settled or acquired by the Governments of France, or the United States of America or other Governments having treaties with China for Government purposes only ; but the British and Foreign Consulate sites, the Custom House and any lands acquired as above, shall bear their share of the public burdens and Municipal taxes.

II.

Mode of acquiring Land.

Any person desiring to rent land or purchase houses from the Chinese Proprietors, within the said limits, shall do so in accordance with the provisions laid down in the Treaties of Foreign Powers with China.

III.

Final Settlement and Title Deeds.

It having been ascertained that no impediment exists to the renting of the land, the parties interested may settle with the Chinese proprietors the price and conditions of sale, and they will then report

Note to 2nd Section.

As the French Government appears to be desirous of establishing a separate system of regulations for the municipal control of

that

portion of the general settlement at Shanghai, which is described in the 2nd section hereof, it is understood that, so long as the action of that government shall preclude the extension of the Code of rules herein provided, these rules shall not be considered of any effect or force in the quarter referred to.

the transaction to their Consular Representative, and lodge with him the Chinese proprietor's agreement or deed of sale, in duplicate, accompanied by a plan clearly marking the boundaries. The said Consular representative shall then transmit the same to the Intendant of Circuit, for examination. If the sale be regular, the deeds will be returned to the Consul sealed by the Intendant of Circuit, and the purchase money can then be paid. If there are graves or coffins on the land rented, their removal must be a matter of separate agreement, it being contrary to the custom of the Chinese to include them in the agreement or deed of sale.

IV.

Registration of
Land and charges
thereon

All such conveyances or Leases of Land, so purchased as aforesaid shall within one month from the time of the completion of the sale be registered in the office of the Consular Representative of the purchaser; and all charges by way of mortgage, whether of a legal, or equitable character shall also be registered in the like manner, and within one month of their execution.

V.

Transfers of lots,
when to be regis-
tered.

That all transfers of Land shall be made at the Consulate where the deeds are registered, and also be registered at that of the vendee or assignee.

VI.

Land surren-
dered to Public
use.

It is understood and agreed that land heretofore surrendered by the various foreign renters to public use, such as roads and the beach grounds of the rivers within the aforesaid limits, shall remain henceforth dedicated to the same uses; and as new lots are acquired, such parts thereof as are beach ground shall be held under and subject to similar uses; and due provision shall be made for the extension of the lines of roads at present laid down as means of communication in the settlement. To this end the Council appointed by the Land Renters and others entitled to vote on the terms and in the manner hereinafter mentioned within the boundaries referred to, will at the beginning of each year, examine the map, and determine what new lines of road are necessary; and all land subsequently rented shall only be rented on the terms of the renter surrendering to the Public use the beach ground aforesaid, if any, and the land required for such roads; and in no case shall land so surrendered or which shall now be dedicated to the use of the public be resumed, except with the consent of the proper majority of Land Renters and others who may be entitled to vote as aforesaid in Public meeting assembled, nor shall any act of ownership be exercised over the same by the renters thereof, notwithstanding any payment by them to the Chinese Government of any ground rent. Provided always, that no act of appropriation or dedication for public uses of the said beach ground, or of ground for roads, other than those already defined, shall, contrary to the will of the renters thereof, in any case, be sanctioned or held lawful under these regulations. On the admission by vote of Public meeting of any tracts of land into the limits of the Municipal Authority, the Municipal Council shall give notice of all roads and

public properties which they intend to set aside in the general interest; and should, any citizen or subject of a Treaty power, who may previously have acquired land within such tracts, object to any part of the reservation thus notified, he must, within fourteen days after the issue of the notice, warn his own Consul, or the Municipal Council of his objection, in order that steps may be taken to adjust the claim. Provided always that in the event of a failure to effect such adjustment on terms which may appear reasonable to the Consul, the Council shall have the option of declining to accept jurisdiction over the proposed annexation, which consequently cannot take place. It shall also be lawful for the Land Renters and others who may be entitled to vote as hereinafter mentioned, in Public Meeting assembled, to purchase land leading or being out of the Settlement, or to accept Land from Foreign or Native owners upon terms to be mutually agreed upon between the Council and such Foreign or Native owners, for the purpose of converting the same into roads or public gardens and places of recreation and amusement, and it shall be lawful for the Council from time to time to apply such portion of the Funds raised under Article IX of these Regulations, for the purchase, creation and maintenance of such roads, gardens, &c., as may be necessary and expedient. Provided always that such road and gardens shall be dedicated to the public use, and for the health, amusement and recreation of all persons residing within the Settlement.

VII.

Boundary Stones
be placed.

When land is rented, stones having the number of the lot distinctly cut thereon, in English and Chinese must be placed to define the boundaries thereof, under the supervision of the Consul applying for the land, and of the Chinese local authorities. A time will be named for the boundary stones to be fixed, in the presence of an Officer deputed by the Consul, of the Tapaou of the district, and of the Chinese proprietors and the renter, in such manner that they may not interfere with the lines of road or the boundaries; or in any other way give cause for litigation and dispute hereafter.

VIII.

Chinese Land
Tax when payable.

The Annual Rent on all lands leased by Foreigners, reserved to the Chinese Government, shall be payable in advance on the 15th day of the 12th moon of each year. And all rent in arrear and unpaid on that day shall be recoverable in a summary manner, on the complaint of the Intendant of Circuit in the Court of the Consular representative of the defaulting renter.

IX.

Roads and Jetties,
Assessment
on Land and
House, Rates,
Dues, and Taxes.

It being expedient and necessary for the better order and good government of the settlement, that some provision should be made for the making of roads, building public jetties, offices and bridges, and keeping them in repair, and for cleansing, lighting, watering, and draining the settlement generally, and establishing a watch or police force therein, paying the persons necessarily employed in any Municipal office or capacity, or for raising money by way of loan for any of the purposes

Consuls to convene Meetings of Renters and other persons entitled to vote.

aforesaid, the foreign Consuls shall so soon after the first day of April in each year, or when it may appear to them needful, or on the requisition of the Municipal Council, or of the Renters of Land and others entitled to vote on the terms hereinafter mentioned, convene a meeting of such persons to devise ways and means of raising the requisite funds for these purposes; and at such meeting it shall be competent to the said persons or a majority of them in public meeting duly assembled to declare an assessment in the form of a rate to be made on the said land or buildings, provided always that the proportion between the tax on land, and on houses or buildings shall not exceed *one-twentieth* of *one per cent* on the gross value of land to *one per cent* on the annual rental of houses; and it shall also be competent for the said persons, or a majority of them as aforesaid, to impose other rates and taxes in the form of dues on all goods landed or shipped or transhipped through the Chinese Custom House at any place within the said limits; provided the said rates or taxes levied in the form of dues shall in no case exceed the amount of *one tenth of one per cent* on the value of the goods landed, shipped or transhipped, and in such other forms as may appear requisite and necessary for the purposes aforesaid.

X.

Land Renters and others to appoint Committee or Council.

And whereas it is expedient that the said Land Renters and others as aforesaid in public meeting duly assembled, under and in accordance with the provisions of the preceding article, should appoint in the mode hereinafter provided an Executive Committee or Council, to consist of not more than NINE PERSONS, for the purpose of levying the rates, dues and taxes hereinbefore mentioned, and applying the funds realized from the same for the purposes aforesaid, and for carrying out the regulations now made; Be it further ordered that such Committee when appointed shall have full power and authority to levy and apply such rates, dues and taxes, for purposes aforesaid, and shall have power and authority to sue for all arrears of such rates, dues and taxes, and recover the same from all defaulters in the Courts under whose jurisdiction such defaulters may be.

XI.

Committee to have power to make Bye-Laws.

When in pursuance of these Regulations the above mentioned Committee or Council shall be duly elected, all the power, authority and control conferred by the Bye-laws now sanctioned and annexed to these Regulations, and all the rights and property which by such Bye-laws are declared to belong to any Committee or Council, elected as aforesaid, shall vest in and absolutely belong to such Committee or Council, and to their successors in office and such successors as are duly elected, and such Committee shall have power and authority from time to time to make other Bye-laws for the better enabling them to carry out the object of these Regulations, and to repeal, alter or amend any such Bye-laws, provided such other Bye-laws be not repugnant to the provisions of these Regulations, and be duly confirmed and published; and provided also that no Bye-law made by the

Committee, under the authority of these regulations, except such as relate solely to their Council, or their officers or servants, shall come into operation until passed and approved by the Consuls and Ministers of Foreign Powers having treaties, and the rate-payers in special Meeting assembled; of which Meeting and the object of it, *ten days'* notice shall be given.

XII.

How accounts
to be audited.

And whereas it is also expedient that due provision should be made for the auditing of the accounts of the said Committee and for the obtaining the approval and sanction of them by the rate-payers in public meeting duly assembled. Be it ordered that the result of the said audit shall be made known and the said sanction and approval shall be made at the Annual Public Meeting convened by the Consuls as hereinbefore mentioned.

XIII.

How defaulters
to be sued.

And be it further ordered that it shall be lawful for the said Committee, or their Secretary, to sue all Defaulters in the payment of all Assessments, Rates, Taxes and Dues, whatsoever, levied under these Regulations, and of all Fines and Penalties leviable under the Bye-Laws annexed to them, in the Consular or the Courts under whose jurisdiction such Defaulters may be and to obtain payment of the same by such means as shall be authorized by the Courts in which such Defaulters are sued. Provided that in case any one or more of the said Defaulters or Owners, Shippers or Consignees of goods refusing to pay, have no Consular Representative at Shanghai, the said Committee shall, with the consent of the Local Authorities, be at liberty to detain and sell such portion of the goods, or use such other means as, with the consent of the Local Authorities, may be necessary to obtain such payment of such Assessments, Rates, Taxes, Dues, Fines, and Penalties or in respect of Land or House Assessment to distrain on the Land or Houses to such extent as may be required to satisfy such assessment or dues.

XIV.

How penalties,
licenses &c. under
Bye-laws are to be
recovered.

Be it also further ordered that any penalty or forfeiture or fees on Licenses provided for in the Bye-laws framed under the authority of these Regulations, and imposed in pursuance of such Bye-laws, may be recovered by summary proceedings before the proper Consular or other authority, and it shall be lawful for such authority upon conviction to adjudge the offender to pay the penalty or incur the forfeiture as well as the costs attending the conviction, as such authority may think fit. All Fines and Penalties levied under these Regulations and the Bye-laws framed and to be framed under them, shall be carried to the credit of the Committee in diminution of the general expenditure authorized by the provisions of these Regulations.

XV.

Consuls may at any
time call meeting
of Land Renters
and others, &c.

Be it further ordered that it shall be competent for the Foreign Consuls, collectively or singly, when it may appear to them needful, or at the requisition of the electors of land or buildings to call a public meeting at any time, giving ten days' notice of the same, setting forth the business upon which it is convened, for the consideration of any

matter or thing connected with the Municipality, provided always such requisition shall be signed by not less than ten of the said electors, and that it set forth satisfactory ground for such request. And all resolutions passed by a majority at any such public meeting, on all such matters aforesaid shall be valid and binding upon the whole of the said electors, if not less than one-third of the said electors are present or represented. At such meeting the Senior Consul present shall take the chair, and in the absence of a Consul, then such elector as the majority of voters present may nominate. In all cases in which electors in public meeting assembled as herein provided decide upon any matter of a Municipal nature, not already enumerated, and affecting the general interests, such decision shall first be reported by the Chairman to the Consuls, for their concurrence and approval, and unless such approval be officially given, such resolution shall not be valid and binding. Provided always that a term of

Two months

shall elapse between the date of the Resolution, and the signification of approval by the Consuls, during which time any person considering himself prejudiced in property or interests by the Resolution may represent his case to the Consuls for their consideration. After the expiration of the term of two months the Consular approval, if signified, shall be considered binding.

Cemeteries for
Foreigners, Chi-
nese Graves, etc.

XVI.

Within the said limits, lands may be set apart for Foreign cemeteries. In no case shall the graves of Chinese on land rented by foreigners be removed, without the express sanction of the families to whom they belong, who also, so long as they remain unmoved, must be allowed every facility to visit and sweep them at the established period, but no coffins of Chinese must hereafter be placed within the said limits, or be left above ground.

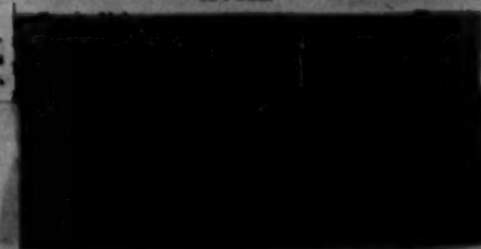
XVII.

Breach of Re-
gulations.

Hereafter, should information of a breach of these regulations be lodged with any Foreign Consul or should the local authorities address him thereon, he may in every case within his jurisdiction summon or cause to be summoned the offender before him, and if convicted, punish him or cause him to be punished summarily, either by a fine not exceeding THREE HUNDRED DOLLARS, or by imprisonment not exceeding SIX MONTHS, or in such other manner as may seem just. Should any Foreigner, who has no Consular authority at Shanghai, commit a breach of the said Regulations, then and in such case the Chinese chief authority may be appealed to, by the Council through one or more of the Foreign Consuls to uphold the regulations in their integrity, and punish the party so infringing them.

XVIII.

Election of
Council and qual-
ifications of voters
at Public meetings.



to it except if an annual salary or bonus
of one thousand dollars shall be entitled to
vote in the election of the said members of
the Council and at the public meetings, and
none shall be qualified to be a member of
the said Council unless he shall pay an an-
nual assessment exclusive of license, of
Twenty five (\$25) or dollars thirty
five (\$35) or shall be a householder paying
a rental of Twenty Nine hundred (\$2900) or
dollars One thousand two hundred (\$1,200)
per annum—provided always that the
said assessment shall not be less than

Nomination and
voting for Council.

It shall be competent to any two Rate Payers entitled to vote, to nominate any duly qualified Rate Payer for election as a member of the Council, and all such nominations shall be sent in, in writing, with the signatures of the proposer, and seconder as also the assent in writing of the candidates proposed that they will serve if elected, at least fourteen days before the day appointed for the election, to the Secretary or other officer appointed by the existing Council to receive such nomination.

On the day after the expiration of the time allowed for sending in such nominations, as aforesaid, the existing Council shall cause a list of the Rate Payers proposed for election to be advertized in the Public Journals, and shall likewise cause such list to be exhibited thenceforward until the day of election in some conspicuous place in the Council Room between the hours of 10 A.M. and 4 P.M.

On the day appointed for the election should the number of Rate Payers proposed for election as Councillors exceed nine, two officers appointed by the existing Council for the purpose shall attend at the place appointed for the election to receive the votes of the Rate Payers. These Officers shall be provided with a list of all the Rate Payers duly qualified to vote and shall give to each such Rate Payers as may be present* and may require it, a voting card or paper containing a list of the Rate Payers proposed for election. The voter shall then mark on such voting lists the names of any number of persons, not exceeding nine, for whom he intends to vote, and shall deposit the list, signed by himself with his own name so marked, in a closed Box provided for the purpose of receiving such list.

The Poll shall remain open for two consecutive days from 10 A.M. to 3 P.M. at which hour on the second day, the Poll shall be closed. Immediately upon the close of the Poll two scrutineers appointed by the Council shall without delay proceed to open the Box or Boxes, examine the voting lists and declare the names of the nine Rate Payers who have the greatest number of votes and who shall thereupon be considered duly elected as the Council for the ensuing Municipal year.

Should the number of names proposed for election be exactly nine is shall not be necessary to have a poll, but, on the day after the expiration of the time appointed for sending in nominations, the existing Council shall advertize and make known the names of nine Rate Payers proposed, and they shall be considered to be duly elected as the Council for the ensuing Municipal year.

Should the number of names proposed for election be less than nine, then on the day after the expiration of the time appointed for sending in nominations the existing Council shall advertize and make known the names of the Rate Payers to be held on the day appointed for the election, at which meeting the Rate Payers present shall proceed to elect either by ballot or otherwise as they may then decide as many more Rate Payers as may be requisite to make the number before proposed up to nine, and such nine Rate Payers shall be considered duly elected as the Council for the ensuing Municipal year.

* Under these Regulations voting by proxy is practically prevented as THE RATE PAYER must be present.

Vacancies.

Tenure of Office

Questions and
Quorum.

Committees.

Officers.

XIX.

Nomination and voting for Council. It shall be competent to any two Rate

men at their first meeting in April, men shall have been audited and the accounts of the retiring Council shall enter upon their office

XX.

shall enter upon their office and were less than nine. In the manner previously in the manner previously elected of been originally elected whole number of new members exceed three in number. Council, providing such vacancies by the vote of the majority of the Council, the existing Municipal year, the existing caney or vacancies occur-

XX.

time being shall think in such manner as the published for the information so soon after as may be in the first day of March directed by the Secretary Council, and such list shall

XX.

Vacancies.

In case of a vacancy or vacancies occurring during the Municipal year, the existing Council shall have the power to fill up such vacancy or vacancies by the vote of the majority of the Council, providing such vacancies do not exceed three in number.

Should the vacancies exceed three an election of the whole number of new members who have not been originally elected shall be called in the manner previously provided in respect of an election when the numbers proposed were less than nine.

XXI.

Tenure of Office.

The Council shall enter upon their office so soon after the accounts of the retiring Committee shall have been audited and passed at the annual meeting in April, mentioned in Article IX; and at their first meeting the new Council shall elect a Chairman and Vice Chairman, who shall hold office for one year. In their temporary absence, the members present at any meeting of the Council, shall elect their Chairman for such meeting.

XXII.

Questions and Quorum.

On all questions in which the members of the Council present are equally divided in opinion, the Chairman shall have a second or casting vote. Five members of the Council shall constitute a quorum for the despatch of business.

XXIII.

Committees.

The Council may from time to time appoint out of their own body such and so many committees, consisting of such number of persons as they shall think fit, for all or any of the purposes wherein they are empowered to act, which in the discretion of the Council, would be better regulated and managed by means of such Committees; and may fix the quorum of such Committees.

XXIV.

Officers.

The Council may from time to time appoint such officers and servants as they think necessary for carrying out these

regulations, and fix the salaries, wages and allowances of such officers and servants and may pay the same out of the Municipal Funds, and make rules and regulations for the government of such officers and servants, and may discontinue or remove any of them from time to time as they shall think fit.

XXV.

Funds.

The Council shall administer the Municipal Funds for the public use and benefit, at their discretion, provided they do not exceed the sum voted at the annual meeting, or any special meeting called to vote expenses, and a statement shall be drawn up by them at the end of each year for which the Council has been elected, shewing the nature and amount of the receipts and disbursements of the Municipal Fund for that year, and the said statement shall be published for general information.

XXVI.

Persons acting in execution of these regulations not to be personally liable.

No matter or thing done, or contract entered into, by the Council, nor any matter or thing done by any member, thereof, or by the Secretary, Surveyor, Superintendent of Police or other officer or person whomsoever, acting under the direction of the Council, shall, if the matter or thing were done, or the contract entered into bona fide, for the purpose of executing these regulations, subject them, or any of them, personally to any action, liability, claim or demand whatsoever; and any expense properly and with due authority, incurred by the Council, Member, Secretary, Surveyor, Superintendent of Police or other officer or person acting as last aforesaid shall be borne and repaid out of the rates levied under the authority of these regulations.

XXVII.*

Mode of
suing the
Council.

If a Council be subject to any charge or claim, or if any officer having judicial authority, shall consider him or herself aggrieved in respect of any right or privilege, or otherwise by any act of the Council, he shall within six calendar months after the date of the matter in dispute, apply to the Council, and shall be enabled to

Board of
Chinese
Delegates.

A Board of three Chinese delegates, as set out in this settlement, shall be formed for the purpose of advising and consulting with the Council on matters affecting the Chinese population as regards taxation, maintenance of order &c. &c. in the following manner. The Senior Consul shall, during the month of March of each year, officially request the Tientsin to direct the Tung-wei (i.e.) the representatives and headmen of the several native communities, guilds, chambers and clubs, to meet and elect three Chinese delegates aforesaid.

That Land Renters and Rate payers shall be taken to mean "Electorate."

The action and information shall be given to these delegates when such subjects are under discussion; but their functions shall be solely consultative. No new tax or new measure of Police or Sanitary Regulation affecting the native community shall take effect until the said Chinese delegates have been consulted thereon. They shall be invited to present written statements of their views which shall be entered on the minutes of the Council meetings and published.

Amendment of Regulations hereafter.

Hereafter should any corrections be requisite in these regulations, or should it be necessary to determine on further rules or should doubts arise as to the construction of, or powers conferred thereby, the same must be consulted upon and settled by the Foreign Consuls and Intendant of Circuit in communication together, who shall equitably decide thereon and submit the same for confirmation, to the representatives of their respective countries in China, and for the sanction of the Chinese government.

Board of
Chinese
Delegates.

"A Board of three Chinese delegates, resident in the settlement, shall be formed for the purpose of advising and consulting with the Council on matters affecting the Chinese population as regards taxation, maintenance of order &c. &c., in the following manner. The Senior Consul shall, during the month of March of each year, officially request the T'antse to direct the Tung-sze (i.e.) the representatives and headmen of the several native communities, guilds, chambers and clubs, to meet and elect three Chinese delegates aforesaid."

That Land Renters and Rate payers shall be taken to mean "Electors."

"Due notice and information shall be given to these delegates when such subjects are under discussion; but their functions shall be solely consultative. No new tax nor new measure of Police or Sanitary Regulation affecting the native community, shall take effect until the said Chinese delegates have been consulted thereon. They shall be invited to present written statements of their views, which shall be entered on the minutes of the Council meetings and published."

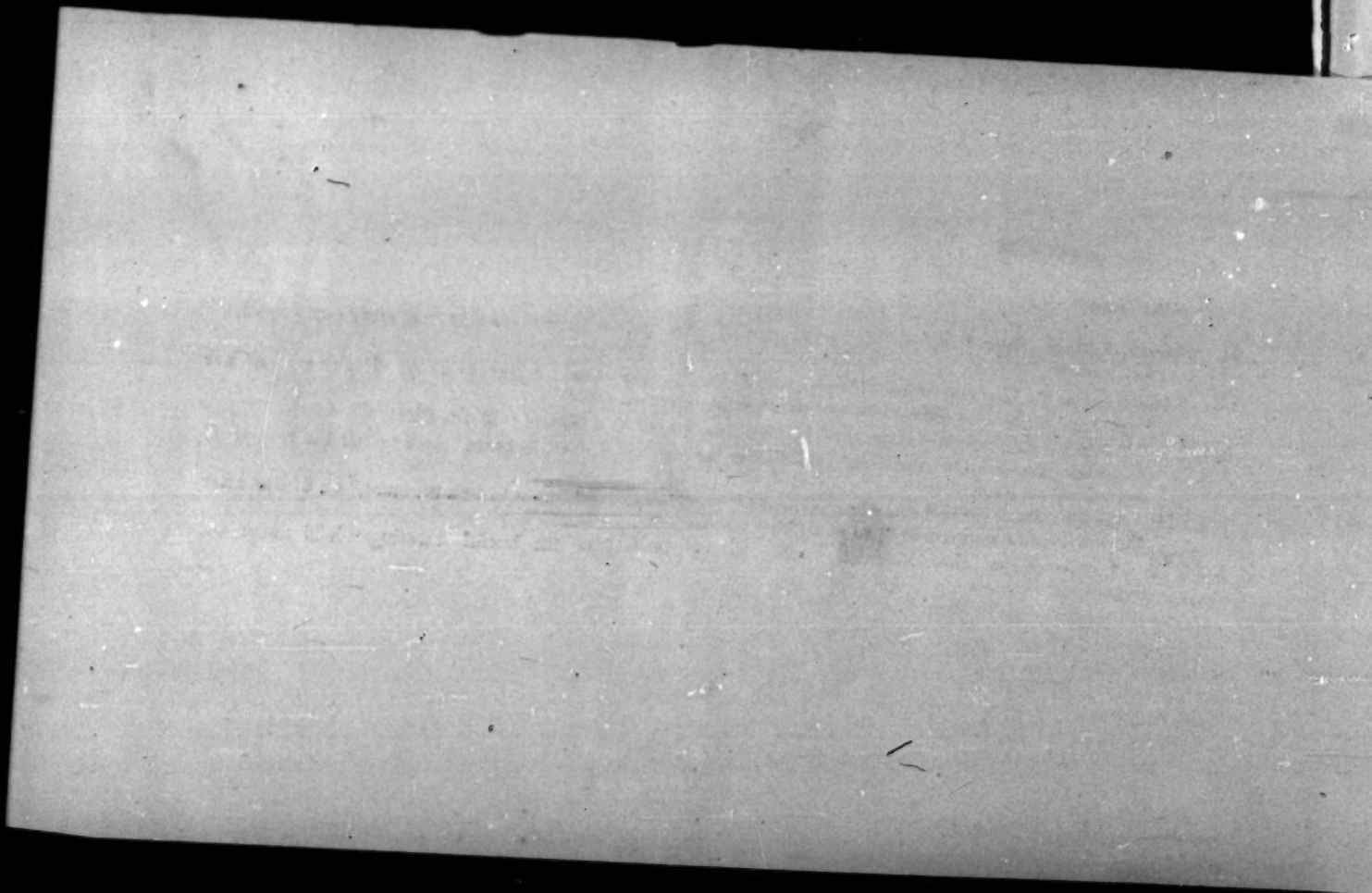
Amendment of Regulations hereafter

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ERRATA.

BYE LAWS.

- II. *Powers to make Sewers and Drains.*—On the 22 and 23 line after the words "making compensation" add "as aforesaid."
- IX. *Council shall be Surveyors of highways.*—On the 7 line read "Surveyors of Highways as are usually invested" for "Surveyors of Highways as are invested."
- XXIV. *Obstruction of Streets.*—Read the 27 line thus "fixed at a Meeting of the Electors."
- XXV. *Cleansing Streets.*—On the 4 line insert after the words "shall require," and "after the receipt of notice served upon them."
- XXVII. *Stagnant Pools.*—On 8 line after the word "Settlement" add "so as to be a nuisance," on 27 line after the words, said limits, add "so as to be a nuisance."
- XXXIV. *Licenses.*—Per line 15 read "may be authorized at the lawful meetings held under the regulations."



BYE-LAWS.

- I.—Control and management of sewers and drains.
- II.—Power to make sewers and drains.
- III.—Power to enlarge and alter sewers and drains.
- IV.—Penalty on any unauthorized person for making any drain flow into public sewers without consent of Council.
- V.—No person to build over any public sewer without consent of Council.
- VI.—Sewers and drains to be provided with traps.
- VII.—Expense of maintaining and cleansing sewers and drains.
- VIII.—No one to build or rebuild a house until a covered drain be constructed.
- IX.—Council shall be Surveyors of highways.
- X.—Management of streets and the repairs thereof to vest in Council.
- XI.—Council may stop up any street pending construction, &c., of a sewer.
- XII.—Penalty on making unauthorized alterations in streets.
- XIII.—Council may alter situation of Gas or Water Pipes.
- XIV.—Water spouts to be affixed to houses or buildings.
- XV.—Penalty for not lighting deposits of building materials or excavations.
- XVI.—Penalty for continuing deposits of building materials or excavations an unreasonable time.
- XVII.—Dangerous places to be repaired or enclosed.
- XVIII.—Cleansing streets—Council to cause streets to be cleansed, and dust and ashes to be removed from the houses.
- XIX.—Council may compound for sweeping footways.
- XX.—Ruinous Buildings.
- XXI.—Expenses of removal.
- XXII.—When owners cannot be found.
- XXIII.—Projections of Houses, &c., to be removed on notice.
- XXIV.—Obstruction of Streets.
- XXV.—Cleansing Streets.
- XXVI.—Conveyance of offensive matter.
- XXVII.—Stagnant Pools.
- XXVIII.—Regulation to prevent accumulation of Dung, &c.
- XXIX.—Certificate of the Officer of Health, Filth to be removed.
- XXX.—Houses to be whitewashed and purified, on Certificate of Officer of Health, &c.
- XXXI.—Council may order nuisances to be abated.
- XXXII.—Observations of Scavenger.
- XXXIII.—Dangerous Buildings.
- XXXIV.—Licences.
- XXXV.—Disturbance in Streets.
- XXXVI.—Lamps.
- XXXVII.—Carrying Arms.
- XXXVIII.—Transient Offender
- XXXIX.—Penalty for disobedience of Order in Council.
- XL.—Bye-Laws.
- XLI.—Penalty to be summarily recovered.
- XLII.—Publication of Bye-Laws.



BYE-LAWS.

ANNEXED to the LAND MUNICIPAL REGULATIONS for the FOREIGN QUARTER of SHANGHAI. This day of 186 .

I.

The entire control and management of all public sewers and drains within the limits of these Regulations, and all sewers and drains in and under the streets, with all the works and materials thereunto belonging, whether made at the time these Regulations become valid or at any time thereafter, and whether made at the cost of the Council or otherwise, shall vest in and belong to the Council.

Control and management of sewers and drains.

II.

The Council shall, from time to time, cause to be made under the streets such main and other sewers as shall be necessary for the effectual draining of the town or district within the limits of the Settlement and also all such reservoirs, sluices, engines, and other works as shall be necessary for cleaning such sewers, and if needful they may carry such sewers through and across all or any of the streets, doing as little damage as may be, and making compensation to be determined by arbitration or recoverable in the manner provided by the Land Regulations, for any damage done; and if for completing any of the aforesaid works it be found necessary to carry them into or through any inclosed or other lands, the Council may after reasonable notice carry the same into or through such lands accordingly, making compensation to the owners and occupiers thereof, and they may also cause such sewers to communicate with and empty themselves into the river, or they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for collection and sale for agricultural or other purposes, as may be deemed most expedient, but so that the same shall in no case become a nuisance.

Powers to make sewers and drains.

as aforesaid,

III.

The Council may from time to time as they see fit, enlarge, alter, arch over and otherwise improve all or any of the sewers vested in them; and if any of such sewers at any time appear to them to have become useless, the Council, if they think fit to do so, may demolish and discontinue such sewers, provided that it be so done as not to create a nuisance.

Power to enlarge and alter sewers and drains.

IV.

Every person, not being employed for that purpose by the Council, who shall make any drain into any of the sewers or drains so vested in the Council, shall forfeit to the Council a sum not exceeding ONE HUNDRED DOLLARS, and the Council may cause such branch drain to be re-made as they think fit and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Council as damages.

Penalty on any unauthorized person for making any drain flow into a public sewer without consent of Council.

V.

No sewer or drain shall be made, or any building be erected over any sewer belonging to the Council, without the consent of the Council first obtained in writing; and if after the passing of the Revised Land Regulations any sewer or drain be made or any building be erected contrary to the provisions herein contained, the Council may demolish the

No person to build over any public sewer without consent of Council.

same, and the expenses incurred thereby shall be paid by the person erecting such building, and shall be recoverable as damages.

VI.

Sewers and drains to be provided with traps.

All sewers and drains within the limits of these Regulations, whether public or private, shall be provided by the Council or other persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.

VII.

Expense of maintaining and cleansing all sewers and drains.

The expense of maintaining and cleansing all sewers, not hereinbefore provided for, shall be defrayed out of the rates and taxes to be levied under Article IX. of the Land Regulations.

VIII.

No one to build or rebuild a house until a covered drain be constructed.

It shall not be lawful to erect any house in the Settlement, or to re-build any house in the Settlement, until a drain or drains be constructed of such size and materials, and at such level, and with such fall, as upon the report of the Surveyor made to the Council shall appear to be necessary and sufficient for the proper and effectual drainage of the same and its appurtenances; such Report to be made within FOURTEEN DAYS after notice is given to the said Surveyor of the proposed erection or re-building, and in default thereof all parties shall be at liberty to proceed with any such erection or building as if no such report were required; and if a sewer of the Council, or a sewer which they are entitled to use, be within one hundred feet of any part of the site of the house to be built or rebuilt, the drain or drains so to be constructed shall lead from and communicate with such sewer as the Council shall direct; or if no such means of drainage be within that distance, then the last mentioned drain or drains shall communicate with and be emptied into such covered cesspool or other place not being under any house and not being within such distance from any house, as the Council shall direct; and whosoever erects or rebuilds any house, or constructs any drains contrary to this Bye-Law, shall be liable for every such offence to a penalty not exceeding TWO HUNDRED AND FIFTY DOLLARS; and if at any time, upon the report of the Surveyor, it appear to the Council that any house whether built before or after the passing of this Bye-Law is without any drain, or without such a drain or drains communicating with a sewer, as is or are sufficient for the proper and effectual drainage of the same and its appurtenances, and if a sewer of the Council, or a sewer which they are entitled to use, be within one hundred feet of any part of such house, they shall cause notice in writing to be given to the owner or occupier of such house, requiring him forthwith or within such reasonable time as shall be specified therein to construct and lay down, in connection with such house, one or more drain or drains, of such materials and size, at such level, and with such fall, as upon the last mentioned report shall appear to be necessary; and if such notice be not complied with, the Council may, if they shall think fit, do the works mentioned or referred to therein; and the expenses incurred by them in so doing if not forthwith paid by the owner or occupier, shall be de-

frayed by the Council, and by them be recovered from the owner of the house in the same manner as a penalty under these Bye-Laws is recoverable.

IX.

The Council and none other shall be Surveyors of all highways within the limits of the aforesaid Regulations and within those limits shall have all such powers and authorities, and be subject to all such liabilities, as any Surveyors of highways are invested with.

Council shall be Surveyors of highways.

usually

X.

The management of all the public streets and the laying out and repairing thereof on passing of the Revised Regulations, or which thereafter may become public highways, and the pavements and other materials, as well in the footways as carriage ways of such public streets, and all buildings, materials, implements, and other things provided for the purposes of the said highways shall belong to the Council.

Management of streets and the repairs thereof to vest in Council.

XI.

The Council may stop any street, and prevent all persons from passing along and using the same, for a reasonable time during the construction, alteration, repair or demolition of any sewer or drain in or under such street; so long as they do not interfere with the ingress or egress of persons or foot to or from their dwellings or tenements.

Council may stop up any street pending construction, &c., of a sewer.

XII.

Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags or other materials of any street under the management of the Council, without their consent in writing or without other lawful authority, shall be liable to a penalty not exceeding TWENTY-FIVE DOLLARS and also a further sum not exceeding ONE DOLLAR for every square foot of the pavement, flags or other materials of the street so displaced, taken up or altered.

Penalty on making unauthorised alterations in streets.

XIII.

For the purposes of the aforesaid regulations, if the Council deem it necessary to raise, sink, or otherwise alter the situation of any waterpipe or gaspipe, laid in any of the streets, they may from time to time by notice in writing, require the person or persons to whom any such pipes or works belong, to cause forthwith, as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Council direct; provided that such alteration be not such as permanently to injure such works or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and compensation for every damage done thereby shall be paid by the Council, out of the rates and taxes levied under the Regulations aforesaid.

Council may alter situation of gas, or water pipes.

If the person or persons to whom any such pipes or works belong do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk or altered, in such manner as the Council require, the Council may themselves, but then at the costs and charges of the person or persons to whom the pipes or works belong, such costs and charges to be recoverable in the same way as the Penalties enacted under these Bye-Laws, cause such pipes or works to be raised, sunk, or altered as they think fit; pro-

vided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

XIV.

Water spouts to be affixed to houses or buildings.

The occupier of every house or building in, adjoining, or near to any street, shall within fourteen days next after service of an order of the Council for that purpose, put up and keep in good condition a shoot or trough of the whole length of such house or building and shall connect the same either with a similar shoot on the adjoining house or with a pipe or trunk to be fixed to the front or side of such building from the roof to the ground to carry the water from the roof thereof in such manner that the water from such house or any portico or projection therefrom shall not fall upon the persons passing along the street or flow over the footpath, and in default of compliance with any such order within the period aforesaid, such occupier shall be liable to a penalty not exceeding TEN DOLLARS for every day that he shall so make default.

XV.

Penalty for not lighting, deposits of building material or excavations.

When any building materials or other things are laid, or any hole made in any of the streets, whether the same be done by order of the Council or not, the person or persons causing such materials or other things to be so laid or such hole to be made, shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall at his own expense cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed or the hole filled up or otherwise made secure; and every such person who fails so to light, fence or inclose such materials or other thing or such hole shall for every such offence be liable to a penalty not exceeding TWENTY-FIVE DOLLARS and a further penalty not exceeding TEN DOLLARS for every day while such default is continued.

XVI.

Penalty for continuing deposits of building materials or excavations an unreasonable time.

In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time under a penalty not exceeding TWENTY-FIVE DOLLARS to be paid for every such offence by the person who causes such materials or other things to be laid or such hole to be made and a further penalty not exceeding TEN DOLLARS for every day during which such offence is continued after the conviction for such offence, and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid or causing such hole to be made.

XVII.

Dangerous places to be repaired or inclosed.

If any building or hole or other place near any street be, for want of sufficient repair, protection or inclosure, dangerous to the passengers along such street, the Council shall cause the same to be repaired, protected or inclosed so as to prevent danger therefrom and the expenses of such repair, protection or inclosure shall be repaid to the Council by the owner of the premises so repaired, protected or inclosed and shall be recoverable from him as damages.

XVIII.

The Council shall cause all the streets together with the foot pavements from time to time to be properly swept and cleansed, and all dust and filth of every sort found thereon to be collected and removed, and shall cause all the dust, ashes and rubbish to be carried away from the houses and tenements of the inhabitants of the town and district within the limits of these Regulations at convenient hours and times, and shall cause the privies and cesspools within the said town or district to be from time to time emptied and cleansed in a sufficient and proper manner; provided always that the occupier of any house or tenement within the limits of these Regulations may keep and remove any such soil, ashes or rubbish as shall be made on his own premises, and shall be kept for manure so that the same be not a nuisance to the inhabitants residing near such premises, and that the same be removed at such times and in such manner as shall be approved of by the Council.

Cleaning streets—Council to cause streets to be cleansed, and dust and ashes to be removed from the houses.

XIX.

The Council may compound for such time as they think fit with any person liable to sweep or clean any footway under the provision of these Regulations for sweeping and cleaning the same in the manner directed by these Regulations.

Council may compound for sweeping footways.

XX.

If any building or wall be deemed by the Surveyor of the Council to be in a ruinous state, and dangerous to passengers or to the occupiers of the neighbourhood, such Surveyor shall immediately make complaint thereof to the Consul of the nation of the person or persons to whom the building belongs, and it shall be lawful for such Consul to order the owner, or in his default the occupier (if any), of such building, wall, or other thing, to taken down, rebuild, repair, or otherwise secure to the satisfaction of such Surveyor, within a time to be fixed by such Consul, and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Council shall with all convenient speed cause all or so much of such building, wall, or other thing, as shall be in a ruinous condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured, in such manner as shall be requisite, and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding, or securing such building, wall, or other thing shall be paid by the owner or owners thereof.

Ruinous Buildings

XXI.

If such owner or owners can be found within the said limits, and if on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress, and the Consul on the application of the Council may issue his warrant accordingly.

Expenses of Removal.

XXII.

If such owner cannot be found within the said limits, or sufficient distress of his goods and chattels within the said limits cannot be made, the Council after giving twenty-eight days notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the and whereon such building stood, and

When Owners cannot be found.

by giving notice in the local newspapers under the head of Municipal Notification, may take such building or land, sell the same by Public auction, and from and out of the proceeds of such sale may reimburse themselves for the outlay incurred, or the Council may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house or building; and the Council shall restore any overplus arising from such sale to the owner of such house or building, on demand; nevertheless, the Council, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

XXIII.

Projections of Houses
are to be removed on
notice.

The Council may give notice to the occupier of any house or building to remove or alter any porch, shed, projecting window, step, cellar, cellar door or window, sign, sign-post, sign iron, showboard, window shutter, wall, gate, or fence, or any other obstruction or projection erected or placed against or in front of any house or building within the limits of the settlement, and which is an obstruction to the safe and convenient passage along any street; and such occupier shall, within fourteen days after the service of such notice upon him, remove such obstruction or alter the same in such manner as shall have been directed by the Council, and in default thereof shall be liable to a penalty not exceeding TEN DOLLARS, and the Council in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default, and shall be recoverable as damages. Provided always, that in the case in which such obstructions or projections were made or put up by the owner, the occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

XXIV.

Obstructions of Streets.

No person shall obstruct the public roads or foot paths with any kind of goods or building materials under a penalty of TEN DOLLARS for every TWENTY-FOUR HOURS of continued obstruction, and after the first TWENTY-FOUR HOURS notice of removal shall have been given to the owner of the same or the person using, employing or having control over the same, or in the absence of any such person or inability on the part of the Agents of the Council, shall remove the same and retain the same until the expense of such removal shall have been repaid, or may recover the expense of such removal as damages, and may after such recovery sell the same, holding the balance, if any, after payment of penalties, expenses and costs to the use of the person entitled to the same. And it shall be competent to the Council to charge for holdings or scaffoldings placed round buildings in course of erection, interfering with the public highway, on a scale to be hereafter fixed by the voters.

fixed at a meeting of the electors.

XXV.

All occupiers of Land and Houses shall cause the foot pavements in front of their Houses to be swept and cleansed whenever occasion shall require, and they shall also cause to be swept and cleansed all gutters, surface drains in the front, side, or rear, of their Premises, and remove all accumulations of soil, ashes, or rubbish; and every such occupier making default herein shall for every offence be liable to a penalty of FIVE DOLLARS, and for the purpose aforesaid when any House shall be let in apartments the person letting the same shall be deemed the occupier.

Cleaning Streets.

and after the receipt of notice served upon them -

XXVI.

The Council may, from time to time, fix the hours within which only it shall be lawful to empty privies or remove offensive matter within the limits of the settlement, and when the Council have fixed such hours, and given public notice thereof, every person who within the said limits empties or begins to empty any privy, or removes along any thoroughfare within the said limits any offensive matter, at any time except within the hours so fixed, and also every person who at any time, whether such hours have been fixed by the Council or not, use for any such purpose any utensil or pail or any cart or carriage not having a covering proper for preventing the escape of the contents of such cart, or of the stench thereof, or who wilfully slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, or unavoidably slopped or spilled, shall be liable to a penalty not exceeding TEN DOLLARS, and in default of the apprehension of the actual offender the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

Conveyance of a Foul matter.

XXVII.

No person shall suffer any offensive waste or stagnant water to remain in any cellar or other place within any house belonging to or occupied by him so as to be a nuisance; within or upon any waste land belonging to or in his occupation within the boundaries of the Settlement, and every person who shall suffer any such water to remain for *Forty-eight hours* after receiving notice of not less than forty-eight hours from the Council to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom, to the annoyance of the occupiers of any adjoining property, or who keeps any pig or pigs within any dwelling-house within the said limits so as to be a nuisance, shall for every such offence be liable to a penalty not exceeding TEN DOLLARS, and to a further penalty not exceeding TWO DOLLARS for every day during which such nuisance continues; and the Council may drain and cleanse out any stagnant pools, ditches, or ponds of water within the said limits, and abate any such nuisance as aforesaid, and for that purpose may enter, by their officers and workmen, into and upon any building or land within the said limits at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person committing such offence, or occupying the building or

Stagnant Pools.

so as to be a nuisance.

so as to be a nuisance

land whence such annoyance proceeds, and if there be no occupier by the owner of such building or land, and shall be recoverable as damages.

XXVIII.

Regulation to prevent accumulations of Dung, &c.

If the dung or soil of any stable, cow-house or pigstye or other collection of refuse matter, elsewhere than in any farm-yard, be at any time allowed to accumulate within the limits of the Settlement for more than seven days, or for more than two days after a quantity exceeding one ton has been collected in any place not allowed by the Council, such dung, soil or refuse, if not removed within twenty-four hours after notice from any officer of the Council for that purpose, shall become the property of the Council, and they, or any person with whom they have at the time any subsisting contract for the removal of refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the Council, or they may recover the expense of such removal from the occupier of the building or land as damages.

XXIX.

Certificate of the Officer of Health, Filth to be removed.

If any time the Officer of health, or if for the time being there be no Officer of Health, any two Surgeons or Physicians, or one Surgeon and one Physician residing within the limits of the settlement, certify under his or their hands to the Council that any accumulation of dung, soil, or filth or other noxious or offensive matter, within the said limits ought to be removed, as being injurious to the health of the inhabitants, the Secretary of the Council shall forthwith give notice to the owner, or reputed owners of such dung, soil or filth, or to the occupier of the land where the same are, to remove the same within twenty-four hours after such notice: and, in case of failure to comply with such notice, the said dung, soil or filth shall thereupon become vested in the Council and they, or any person with whom they have at that time contracted for the removal of all such refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the Council, and they may recover the expence of such removal from such occupier or owner in the same manner as damages.

XXX.

Houses to be whitewashed and purified on Certificate of Officer of Health, &c.

If at any time the Officer of Health, or, if for the time being there be no Officer of Health, any Two Surgeons or Physicians, or one Surgeon and One Physician, residing within the said limits, certify under his or their hands to the Council that any house or part of any house or building within the limits of the settlement is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any house or building or any part thereof would tend to prevent or check infectious or contagious disease therein, or that any drain, privy or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Council shall order the occupier of such house or part thereof to whitewash, cleanse and purify the same, and the owner of such drain, privy or cesspool to amend the condition thereof, in such manner and within such time as the Council deem reasonable; and if such

occupier or owner do not comply with such order he shall be liable to a penalty not exceeding TEN DOLLARS for every day's neglect thereof; and in such case the Council may cause such house or any part thereof, to be white-washed, cleansed and purified, or the condition of such drain, privy or cess-pool to be amended, and may recover the expense thereof from such occupier or owner in the same manner as damages.

XXXI.

If any candle-house, melting-house, melting-place or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any pig-stye, necessary house, dunghill, manure heap, or any manufactory, building, or place of business within the limits of the settlement be at any time certified to the Council by the Inspector of Nuisances, or Officer of Health, or if for the time being there be no Inspector of Nuisances or Officer of Health, by any two Surgeons or Physician, or one Surgeon and one Physician to be a nuisance or injurious to the health of the inhabitants, the Council shall direct complaint to be made before the Consul of the nation of the person by or on whose behalf the work complained of is carried on, and such Consul shall enquire into such complaint, and may by an order in writing under his hand, order such person to discontinue or remedy the nuisance within such time as to him shall appear expedient. Provided always that it appear to such Consul that in carrying on any business complained of, the best means then known to be available for mitigating the nuisance, or the injurious effects of such business have not been adopted, they may suspend their final determination, upon condition that the person so complained against shall undertake to adopt within a reasonable time such means as the said Consul shall judge to be practicable and order to be carried into effect for mitigating or preventing the injurious effects of such business.

XXXII.

Every occupier of any building or land within the said limits, and every other person, who refuses to permit the said scavengers to remove such dirt, ashes, or rubbish as by these Bye-laws they are authorized to do, or who obstructs the said scavengers in the performance of their duty shall for every such offence be liable to a penalty not exceeding TWENTY-FIVE DOLLARS.

XXXIII.

No Straw Shed, Bamboo Houses or Buildings of like inflammable material shall be erected within the settlement, nor shall contraband goods or merchandise likely to endanger life or cause injury to individuals, such as gunpowder, saltpetre, sulphur, large quantity of spirits in bulk, petroleum, naphtha, and other explosive gases or liquids, stand on the premises of any individual under the penalty of TWO HUNDRED AND FIFTY DOLLARS, for the first offence, and of FIVE HUNDRED DOLLARS, with confiscation of the goods themselves to the use of the Council, for each succeeding offence. On articles of this nature being brought into the settlement, immediate notice must be given by the importer, consignee or owner thereof to the Secretary of the

Council may order Nuisances to be abated.

Obstruction of Scavengers.

Dangerous Buildings.

Council whose duty it will be to assign the locality or place within which such goods may be safely stored, and every refusal to obey, or disobedience of the order of the Secretary in this behalf shall be visited with a penalty of TWO HUNDRED AND FIFTY DOLLARS, and a penalty of ONE HUNDRED DOLLARS for every TWENTY-FOUR HOURS of continued disobedience, and such penalty together with the preceding penalty and all other fines and penalties declared by these Bye-Laws shall be recoverable in a summary manner before the Consul or Court having jurisdiction over the offender or defaulter.

XXXIV.

Licenses.

No Foreigner or Chinese shall vend Spirits or Liquors of any kind or description, or open a house of public entertainment, Music Hall, Theatre, Circus or Dancing Saloon within the limits of the Settlement, without a Licence first obtained from the Council, and in the case of foreigners, countersigned by the Consul of the nationality to which the applicant belongs, and upon good and sufficient security given for the maintenance of order in such establishment, and in respect of such Licenses the Council may charge on such scale as may be authorized at the usual meetings of rate-payers:—

| | | |
|--|---|-------------|
| For every Wine and Spirit | } | For every |
| Shop annually, | | |
| For every Beer Shop, | } | night open, |
| For a House of Entertainment, Hotel or Tavern, | | |
| Music Hall, | | |
| Theatre | | |
| Circus, | | |
| Dancing Saloon | | |

And any person opening or keeping, or holding, any such Shop, Store, House of Entertainment, Music Hall, Theatre, Circus or Dancing Hall without having first obtained the License of the Council, shall over and above the cost of the License and Summons, be liable to a fine not exceeding FIFTY DOLLARS.

XXXV.

Disturbance in Streets.

All persons firing Guns or Pistols, causelessly creating a Noise or Disturbance, and all persons guilty of furious or improper riding or driving, or the leading of Horses up and down any thoroughfare for exercise, or who shall commit any act which may legitimately come within the meaning of the term Nuisance, shall be liable to a penalty of TEN DOLLARS.

XXXVI.

Lamps.

All persons driving carriages or carts of any description between one hour after sunset and one hour before sunrise, must affix lighted lamps to their vehicles, under penalty of FIVE DOLLARS for each omission.

XXXVII.

Carrying arms.

No Person within the limits of the Settlements, except Consular Officers and the Officers of the Council duly authorized, and Military and Naval Officers or Volunteers or Soldiers or Soldiers of any Government Force in uniform or on duty, shall under any pretence carry offensive or defensive arms such as Guns, Pistols, Swords, Daggers, loaded Sticks, Sling Shots, Knives, or any weapon of like character, under a penalty not exceeding TEN DOLLARS or one week's imprisonment with or without hard labour.

lawful meetings held under the regulations.

Provided that nothing in this Bye-Law be constructed to extend to the carrying of Fowling-pieces for the purpose of shooting game.

XXXVIII.

It shall be lawful for any officer or agent of the Council and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of these Bye-Laws, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before his proper Consul, without any warrant or other authority than these Bye-Laws.

Transient offender.

XXXIX.

If any such nuisance, or the cause of any such injurious effects as aforesaid, be not discontinued or remedied within such time as shall be ordered by the said Consul, the person by or on whose behalf the business causing such nuisance is carried on, shall be liable to a penalty not exceeding TWENTY-FIVE DOLLARS for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid.

Penalty for Disobedience of Orders of Consuls.

XL.

Nothing in these Bye-Laws contained shall be construed to render lawful any act or omission on the part of any person which is, or would be deemed to be a nuisance at common law from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the consequences upon being convicted thereof.

Bye-Laws.

XLI.

Every penalty or forfeiture imposed by these Bye-Laws made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before the proper Consular representative, and it shall be lawful for such Consular representative upon conviction, to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such Consular representative shall think fit.

Penalties to be summarily recovered.

XLII.

These Bye-Laws shall be printed, and the Secretary of the Council shall deliver a printed copy thereof, to every rate payer applying for the same, without charge; and a copy thereof shall be hung up in the front, or in some conspicuous part of the principal office of the Council.

Publication of Bye-Laws.

Shanghai
Land Regulations
English & Am
and French

San Francisco
Sept 18th 1867
Shanghai
despatch on
the subject

My dear Cousin

I have received the inclosed documents just now as the mail is closing. I did like the Council which is indicated has been agreed upon at Peking. I shall place the Department in possession of copies of my dispatches to the Minister and trust there no action will be taken until they have been examined.

I have been in about 36 days and shall reach San Francisco,

by the middle of March
or nearly so soon as this
wishes - I am looking forward
with increasing anxiety to
the time of my arrival at
home when I hope to meet
you all in good health.

With warm regards for
all believe me

Yours very truly
Geo. F. Luard

F. W. Luard Esq
Washington,

PEKING, Nov. 15th, 1866.

Sir,

I HAVE received your Despatches Nos. 62 and 82 of the 20th July and 20th October, the first transmitting the revised code of Land Regulations so long under discussion, and the second enclosing copy of a communication from the Chairman of the Committee of Land Renters in reply to my Despatch No. 44 of the 16th July last inviting an expression of opinion as to the views it embodied.

To your Despatches together with their Enclosures I have given the careful consideration which the importance of the subjects discussed, the object to be attained, and the pains and labour bestowed by the Council in their reply well entitle them. And before proceeding to the examination of the principal points brought forward in the several documents I may state generally that with one exception, which I will specify more particularly hereafter, I concur in the views so well and temperately advocated by the Chairman in his reply to you of the 17th October. I trust therefore the time is now approaching when the main object of the Council—the adoption of a practical scheme of Municipal Government for one of the largest and most important cosmopolitan settlements in the East—may be secured.

It may not be possible to give it all the symmetry and completeness of like institutions in the Western Hemisphere. But that it should be effective for all Municipal objects is more essential than theoretic perfection in its constitution. Considered in the abstract and apart from all the circumstances of the case, any Municipal scheme for the government of a mixed population in Chinese Territory, not emanating from and controlled by the Chinese executive, must be considered irregular, and not without danger as a precedent to the injury of the Government of the country. But such matters are not to be judged theoretically, and in this, common sense tells us that what is wanted is not to establish an abstract principle but to provide substantially against constantly recurring danger and difficulties of a plain and tangible nature. And the fundamental principle of any effective scheme of Municipal Government for a settlement within the Chinese dominions with a mixed population of Foreigners and natives is so plain and indisputable, and rests upon so broad a basis of treaty rights and international law that we may hope a close adherence to it will solve all difficulties.

By the extraterritorial clause in the several treaties with Western Powers no subjects of these in Chinese territories are justiciable or amenable to any jurisdiction but that of their own authorities. So in like manner no Foreign Power can claim jurisdiction or authority over Chinese subjects unless such power be expressly delegated by the Emperor of China.

It follows necessarily from these principles that no Municipal Regulations or Government can be operative upon the subjects of the different nationalities, which have not the authority and sanction of law given by the state to which they severally owe allegiance. And when as at Shanghai Chinese and Foreigners of many nationalities are mixed together and dwell within the same limits, it is essential that the consent of all be obtained to make such regulations generally obligatory or binding.

To obtain this consent by which a delegated power within certain limits may be given to an Executive Council or Committee, is therefore the first step towards any practical scheme of Municipal Government.

That this delegation should give the right to tax, and the power by legal process before competent authority to enforce payment on all residents without exception and whatever their nationality, is the second.

Whatever else may be required or held desirable, is matter of administrative detail rather than of principle, and of subordinate importance.

Hitherto there has been a vital defect in the want of this common consent among Western powers, and hence the inability complained of by successive municipal administrations to give effect to the votes of the Land Renters, and the most necessary measures for the peace, order and sanitary state of the settlements on the banks of the Hwangpo. This state of affairs has been indefinitely prolonged by the hopes entertained of establishing one administration, as contemplated in the Regulations of 1853, for the whole of the Foreign settlements. The decision of the French government recently promulgated against any fusion of the quarter lying South of the Yang-king-pang, and which has practically been exclusively under a French régime for a long period, removes one great cause of embarrassment and delay, in so far as the municipal scheme for all North of that boundary is concerned. Two different and independent municipal administrations may very well exist side by side for different settlements in good harmony and without conflict of

Enclosure
to
Gong
Seward

jurisdictions, if the first principles already adverted to be carefully adhered to. And the several governments may in their discretion accept different systems of municipal administration for their respective subjects on opposite sides of the Yang-king-pang without prejudice to these, or to their own extraterritorial rights of jurisdiction as defined by treaties and the Law of Nations.

In agreeing to differ, so far as mere forms or modes of attaining the same object are in question, a perfect accord not otherwise attainable may be secured. M. Brenier de Montmorand, the French Consul General, indicates this conclusion, I think in his memorandum attached to the minute of a meeting of the Consular Corps at Shanghai on the 12th July, where he reserved his vote generally on the Land Regulations until his colleagues could intimate their concurrence in those established by his government for the settlement on the other side of the Yang-king Pang. A reciprocal interchange of consent to two codes applying to different settlements or quarters by the Western Powers, with the concurrence of the Government of the Emperor of China as territorial sovereign, offers a ready means of terminating all further discussion or delay, except in so far as well founded exception may be urged against any particular wording or provision of the said Regulations.

I propose therefore at once to transmit the present revised code of Land Regulations to Her Majesty's Chief Secretary of State for Foreign Affairs, in concert with my colleagues, the representatives of the United States of America, Prussia, and Russia, who will adopt a similar course, with a recommendation of approval and the interchange between the several Treaty Powers of such formal acceptance as shall render them, with the concurrence of the Emperor of China, binding and obligatory on all over whom they severally have jurisdiction.

The question of such interchange in regard to the French Règlement recently published has already been referred in like manner in accord with M. de Bellonet, the *Chargé d'Affaires* of H.M. the Emperor of the French.

In reference therefore to the first and most essential step towards their final adoption, nothing further remains to be done either at Shanghai or here. The consent of the Chinese Government cannot be officially asked while their acceptance by the Treaty Powers is in suspense; but I see no reason to anticipate any serious difficulty in that quarter.

As regards the expediency of any effort to obtain a Charter of incorporation I agree with the Chairman that, provided the required powers to levy taxes and give effect to the Land regulations generally be obtained, it matters little whether this be done by the formal sanction of the several Treaty Powers

giving them the force of laws, or by an instrument with a more high-sounding title. And under the circumstances it may be well to proceed with the formal sanction of the Land Regulations as a basis, without raising any further question tending to prolong discussion.

Before concluding, it is fit that I should advert to the various suggestions offered in regard to certain secondary, and in some sense complimentary, measures which the Committee of Land Renters consider more or less essential to the satisfactory working of their scheme of Municipal Government under the revised code of Regulations.

These may be summed up under four heads.

- 1st.—The appointment of a Chinese Magistrate to preside over the Mixed Court, with sole jurisdiction over the native population in the settlement.
- 2nd.—The establishment of an effective River Police at the cost of the Chinese, and the extension of Municipal Jurisdiction over the stream.
- 3rd.—A substitute for the tax hitherto levied as "Wharfage dues," to be provided either by the payment of a contribution from the Imperial Customs at Shanghai, equivalent to one-tenth of one per cent. on the value of all goods which pass the Foreign Department in the Customs at the Port, or to be levied in addition to the present Maritime dues, if sanctioned by the Treaty Powers.
- 4th.—The admission of a Chinese element into the Municipal Council.

In reference to the first of these suggestions, I am happy to state that preliminary negotiations with the Government here have already prepared the way for its adoption. The expediency of such an appointment has been fully recognized, and it only remains to arrange the best means of meeting the additional expense, and certain administrative details in regulating his relation to the Taotai as his superordinate.

The second proposition involves greater difficulty both in principle and practice. The Council desire an extension of Jurisdiction beyond the low water line over the river. This is precisely what the French appear to have claimed with manifest confusion and conflict of jurisdiction. It has already formed the subject of complaint and remonstrance as fraught with injury to the common interest. If a Foreign Municipal jurisdiction within the settlements over all the residents, meets with serious obstacles from the diversity of nationalities, and the many anomalies inseparable from its exercise in such a community, the extension of a similar rule over a Chinese inland water and a great river course with its constantly changing occupants and traffic, would obviously be attended with still greater difficulties and be open

to far more serious objection. No treaty has taken from the Emperor of China or given to any Foreign power, as far as I am aware, jurisdiction over the river courses of his Empire. The extraterritorial clause no doubt is operative, as regards subjects of Treaty powers, in the waters of China as on shore, but even these privileges are subject to considerable limited *et necessitate rei* in regard to ships and goods afloat. The right to protect the customs' revenue is inseparable from the control of the ports and rivers where trade is carried on. The maintenance of a fair way for ships of all nations, and the establishment of harbour regulations which must be equally obligatory upon all, Chinese as well as foreigners, are duties which devolve upon the Government of China, and can scarcely be fitly delegated to a Municipal Council of Foreigners even with a Chinese element. And if not to one, still less to two occupying contiguous settlements on the banks of a river on which there is an enormous traffic both native and Foreign. Indeed, the more the question of river jurisdiction is examined, the more insurmountable appear the objections to any pretension to its delegation. It might not be impossible to devise a concurrent instead of a conflicting jurisdiction to be exercised by two Municipal Councils of Cosmopolitan character; but the arguments against the expediency, and the general policy of such an arrangement, assuming it to be practicable with the free consent of the Emperor of China, are too strong and unanswerable for any proposition to that effect to be entertained.

The Chinese Government have been in a great degree relieved, partly by the force of circumstances beyond control, and partly by the desire of the Foreign Communities settled in the country, from obligations and duties in respect to the maintenance of peace, order, and good government in the Foreign settlements, which undoubtedly belong to the territorial sovereign. But there are not wanting those well versed in the history of Foreign relations with China and the Chinese people, who, looking at the question from an international point of view and with the light of past experience, contend earnestly that every step in this direction has been an injury to the Chinese Government, and a mistake as regards the true interests and position of Foreigners within the dominions of the Emperor. Whatever may be the amount of truth in this conclusion, the extension of the same principle, taking out of the hands of the legitimate authority the jurisdiction of the ports and rivers, to transfer it with all its onerous obligations and duties to a continually shifting and irresponsible Council of Foreigners, can hardly be viewed otherwise than as a proceeding of doubtful wisdom, and in the highest degree inexpedient.

A more effective assertion of rightful

jurisdiction on the part of the Chinese government, and a better organised river police in competent hands in connection with the Imperial customs, would on the other hand be so obviously a gain both to Chinese and to foreigners that no insurmountable obstacle to the adoption of measures to that end should be anticipated. If anything could raise such obstacles, it would be the pretension of any municipal council in foreign hands, to extend their jurisdiction from the shore to the waterway. The duty and the expense both fitly belong to the territorial sovereign; and I believe neither the one nor the other can be delegated to any second power without grave prejudice to all concerned.

The third proposition to provide a substitute for wharfage or town dues difficult of collection and open to cavil if not to serious objection, as being in effect a tax on trade not contemplated or sanctioned in the treaties, deserves serious consideration. If the Chinese government can be induced to take a large view of their obligations towards the foreign Community, which has itself and for so many years supplemented the proper action of the Emperor at an enormous annual cost, they will hardly object to the principle on which such a proposal rests.

Nevertheless it is not to be overlooked that this is a proposal at one step to saddle the Chinese government with the whole cost of the large police establishment hitherto maintained by the foreign community aided by taxes on the Chinese population within their limits. Whether the sum required be paid out of the customs revenue or any other source, it amounts to the same thing; and the Chinese government if called upon to make such payment might well require not only controlling power in the constitution and management of the Police force, but an account of all taxes levied upon Chinese subjects for Municipal purposes, together with a determining voice both in the amount raised and its application.

There is a middle course open to both parties however not unworthy of consideration. Looking to the small and fractional nature of the tax now sought to be raised by Wharfage dues for Police purposes, and the uniformity and fairness of its incidents, the ease with which it would be collected by the Customs, and lastly the benefit in common to be derived from its application, the several Treaty Powers might willingly consent to allow such minute addition to be made to the maritime duties now levied by Treaty either at Shanghai alone or wherever a majority of the Foreign Residents desired it at the other open Ports: And this I will take upon myself to recommend.

As regards the fourth and last of these supplementary measures the admission of a Chinese element into the Council to represent the rights alike of the

Territorial sovereign and the natives located in the settlement, and subject to taxation in consequence, there can be no doubt that many advantages would result from its adoption. It is calculated to facilitate the collection of taxes on the native inhabitants without entailing an absolute veto or power of refusal on the part of the Chinese member of the Council. In lieu of this it might be determined that in the event of a protest on his part there should be a right of appeal to the Foreign Representatives at Peking and the Government, before any new levy, when opposed, could be carried into effect. It might possibly prepare the way for a commutation of all Imperial taxes to a fixed rate for all natives located within the limits of the Foreign settlement which the Municipal Administration might furnish the means of collecting, without expense to the Government, thus assuring them

a certain revenue and without the costs of collection. This would more effectually remove many existing grounds of complaint as to excessive or exceptional taxation applied to the Chinese domiciled in the Foreign settlements than any other course however legislatively guarded from abuse.

You will transmit a copy of this despatch to the chairman of the Committee of Land Renters for their information, and assure them of my earnest desire in concert with the representatives of other treaty powers, to secure the successful working of their matured scheme for improved Municipal Government.

Your obedient servant,

RUTHERFORD ALCOCK.

C. A. WINCHESTER, Esq.

&c. &c. &c.

Shanghai.

Dec 31/12